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Mississippi Provincial Archives

1763-1766

English Dominion

LETTERS AND ENCLOSURES TO THE SECRETARY OF STATE
FROM MAJOR ROBERT FARMAR AND GOVERNOR
GEORGE JOHNSTONE

COMPILED AND EDITED BY

DUNBAR ROWLAND, LL. D.

Director Mississippi Department of Archives and History, Member American Historical
Association, Member National Public Archives Commission

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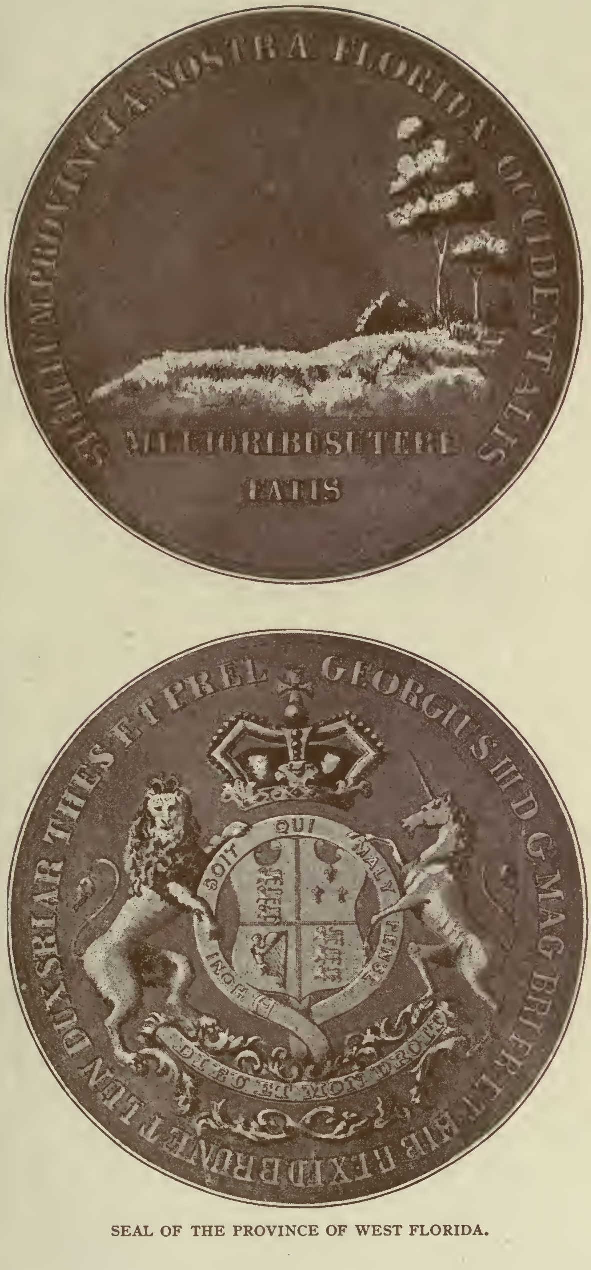
SIGILLUM PROVINCIA NOSTRA FLORIDA OCCIDENTALIS
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SEAL OF THE PROVINCE OF WEST FLORIDA.

EDITOR'S INTRODUCTION.

The long contest between England and France for supremacy in North America had its end February 10, 1763. On that day the Treaty of Paris was made, and by it France lost all of her possessions east of the Mississippi River except the Island of Orleans. Under its provisions the English gained control of the Mississippi, and with it an outlet to the Gulf of Mexico. The section of the treaty which transferred what is now the southern part of the State of Mississippi is in the following words: "The Most Christian King cedes to his Britanic Majesty the river and the port of Mobile, and all that he possesses on the left side of the river Mississippi, with the exception of New Orleans and the island on which it is situated." Out of a part of the territory conveyed by that section of the Treaty of 1763, the King of England, by his proclamation of October 7, 1763, laid off the British Province of West Florida, extending from the Chattahoochie River to the Mississippi, bounded on the south by Gulf of Mexico and the Iberville River and on the north by the thirty-first parallel. In 1764 the boundaries of West Florida were more accurately described, as follows: "A line to begin at the mouth of the Yazoo, where the stream joins the Mississippi, and to run east to the Chattahoochie; thence down the Chattahoochie to the mouth of the Apalachicola; thence westward along the coast of the Gulf and through Lakes Borgne, Ponchartrain and Maurepas, up to the River Amite, then along Bayou Iberville to the Mississippi River, and up the middle of the river to the mouth of the Yazoo."

The occupation of that territory, and the organization of local government, marks the beginning of English dominion in what is now the lower South. It began in 1763 and ended in 1781, the most interesting period of American colonial history. The English colonists of West Florida came in closer touch with French and Spanish civilization than those along the Atlantic Coast, and the impress of the Latins upon them is worthy of the most painstaking study.

Notwithstanding the fact that the time of the English dominion is such an interesting period in the history of the Gulf States east of the Mississippi River, there is little or no knowledge of the material in the British Public Record Office which so completely deals with it. These important sources of American colonial history have been little used if not entirely neglected.

In the summer of 1906 the Director of the Mississippi Department of Archives and History made a study of this material in the Public Record Office, and arranged for transcripts to be made of that series of documents which are of special interest in the study of Mississippi provincial history. When the investigation was made, and while the work of transcribing was in progress, a reclassification of all the material in the Public Record Office relating to American history was ordered and has been completed in so far as it relates to the series of documents copied for the department. In the publication of the material both the old and the new classification will be given.

This series of the documentary history of Mississippi has been designated as *"Mississippi Provincial Archives, English Dominion,"* and the volumes will include the period, 1763-1781. The documents which constitute the series are designated under the new classification of the Public Record Office as follows:

Public Record Office. War Office. Series 1, Vol. 49. Military Papers of Major (Robert) Farmar (1763.)

COLONIAL OFFICE, CLASS 5.

Vol.
582. 1763–65. Original papers. Letters and enclosures to the Secretary of State from Major Farmar and Governor Johnstone.
583. 1765–66. Original papers. Letters and enclosures to the Secretary of State from Governor Johnstone and Lieutenant-Governor Browne.
584. 1766–67. Original papers. Letters and enclosures to the Secretary of State from Governor Johnstone and Lieutenant-Governor Browne.
585. 1767–68. Original papers. Letters and enclosures to the Secretary of State from Lieutenant-Governor Browne and Governor Eliot.
586. 1768–69. Original papers. Letters and enclosures to the Secretary of State from Lieutenant-Governor Browne and Governor Eliot.
587. 1769–70. Original papers. Letters and enclosures to the Secretary of State from Lieutenant-Governor Browne and Lieutenant-Governor Durnford.
588. 1770–71. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
589. 1771–72. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.

590. 1772–73. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
591. 1773–74. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
592. 1774–76. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
593. 1776–77. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
594. 1777–78. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
595. 1778–80. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
596. 1780–81. Original papers. Letters and enclosures to the Secretary of State from Governor Chester.
597. 1778–81. Original papers. Letters and enclosures to the Secretary of State from General Campbell.
598. 1779–83. Original papers. (Military) Original letters from General Campbell and various papers.
618. 1766–67. Entry Book No. 1. Letters (selected) from the Secretary of State to the Governor of West Florida.
605. Register of grants, mortgages, leases, etc. (Those relating to Mississippi selected.)
608. 1772–80. Letters patent. (Those relating to Mississippi selected.)

The Department of Archives and History has also collected from the French archives transcripts dealing with the French dominion in Mississippi from 1678 to 1763, and from the Spanish archives transcripts of the Spanish dominion and relations from 1759 to 1820. These will be published under the titles, "Mississippi Provincial Archives, French Dominion" and "Mississippi Provincial Archives, Spanish Dominion."

The rules as formulated by the American Historical Association for the publication of documentary history have been followed in the preparation of this volume.

DUNBAR ROWLAND, LL.D.

DEPARTMENT OF ARCHIVES AND HISTORY.
JACKSON, MISS., August 7, 1911.

LIST OF LETTERS.

Letters Written by Robert Adair: PAGE

To ...., London, Aug. 22, 1765 411

Letters Written by Governor Aubry:

To Johnstone, Gov. Geo., New Orleans, Feb. 7, 1765 274
To Johnstone, Gov. Geo., New Orleans, June 3, 1766 314

Letters Written by Montfort Browne:

To ...., Mobile, Mar. 27, 1766 297
To Johnstone, Gov. Geo., Mobile, Mar. 23, 1766 495

Letters Written by James Bruce:

To Johnstone, Gov. Geo., Pensacola, May 27, 1766 336
To Johnstone, Gov. Geo., Pensacola, July 6, 1765 504

Letters Written by M. Caminade:

To ...., New Orleans, June 15, 1765 284
To Halifax, Lord, Mobile, Feb. 18, 1765 178

Letters from Captain James Campbell:

To Johnstone, Gov. Geo., Mobile, Dec. 12, 1764 266

Letters from Duc de Choiseul:

To Kerlerec, Gov., April 12, 1763 134

Letters Written by Chief Justice Clifton:

To Johnstone, Gov. Geo., Pensacola, Aug. 22, 1765 479
To Johnstone, Gov. Geo., Pensacola, Feb. 28, 1766 495
To Wegg, E. R., Pensacola, Jan. 23, 1766 507

Letters Written by H. S. Conway:

To Johnstone, Gov. Geo., St. James, Sept. 12, 1765 259
To Johnstone, Gov. Geo., St. James, Mar. 13, 1766 296

PAGE

Letters Written by Grey Cooper:

To Burke, William, Treasury Chambers, Oct. 21, 1765 260

Letters Written by M. Dabbadie:

To Farmar, Maj. Robert, New Orleans, Oct. 4, 1763 34

Letters Written by M. Develle:

To Farmar, Maj. Robert, Mobile, Oct. 14, 1763 34

Letters Written by Lord Egremont:

To Commanding Officer of Country Ceded by France, Whitehall, May 21, 1763 131

Letters Written by W. Ellis:

To Johnstone, Gov. Geo., War Office, May 6, 1765 399

Letters Written by Captain Jno. Farmar:

To Keppel, Maj.-Gen., Mobile, Feb. 14, 1764 111

Letters Written by Maj. Robert Farmar:

To Dabbadie, M., Mobile, Nov. 9, 1763 36
To Develle, M., Ship Stag, Sept. 21, 1763 33
To Develle, M., Ship Stag, Oct. 2, 1763 58
To Egremont, Lord, Mobile, Jan. 24, 1764 137
To Egremont, Lord, Mobile, Feb. 13, 1764 144
To Germany, James, Mobile, Jan. 10, 1764 18
To Secretary at War, Mobile, Jan. 24, 1764 7
To Secretary at War, Mobile, Nov. 30, 1763 19
To Secretary at War, Mobile, Nov. 2, 1763 20
To Secretary at War, Mobile, Jan. 24, 1764 26
To Secretary at War, Mobile, Jan. 24, 1764 30
To Secretary at War, Mobile, Sept. 20, 1763 32
To Secretary at War, Mobile, 1763 42
To Secretary at War, Mobile, Jan. 24, 1764 60
To Secretary at War, Mobile, Jan. 24, 1764 64
To Secretary at War, Mobile, Jan. 24, 1764 65
To Secretary at War, Mobile, Jan. 24, 1764 76
To Secretary at War, Mobile, Jan. 24, 1764 80
To Secretary at War, Mobile, Jan. 24, 1764 81
To Secretary at War, Mobile, Jan. 24, 1764 83
To Secretary at War, Mobile, Jan. 24, 1764 91
To Secretary at War, Mobile, Jan. 24, 1764 92
To Secretary at War, Mobile, Jan. 24, 1764 94
To Secretary at War, Mobile, Jan. 24, 1764 97

LETTERS WRITTEN BY MAJ. ROBERT FARMAR—*Continued.* PAGE
To Secretary at War, Mobile, Jan. 24, 1764 ... 100
To Secretary at War, Mobile, Jan. 24, 1764 ... 103
To Secretary at War, Mobile, Jan. 24, 1764 ... 104
To Secretary at War, Mobile, Jan. 24, 1764 ... 107
To Secretary at War, Mobile, Jan. 24, 1764 ... 110
To Secretary at War, Mobile, Jan. 24, 1764 ... 110
To Secretary at War, Mobile, Mar. 2, 1764 ... 115
To Secretary at War, Mobile, Apr. 7, 1764 ... 116
To Secretary at War, Mobile, Aug. 1, 1764 ... 118
To Secretary at War, Mobile, Aug. 24, 1764 ... 120
To Secretary at War, Mobile, Oct. 2, 1764 ... 120
To Secretary at War, Mobile, Oct. 2, 1764 ... 121
To Secretary at War, Mobile, Nov. 24, 1764 ... 124
To Secretary at War, Fort Charlotte, Dec. 4, 1763 ... 139

LETTERS WRITTEN BY MAJ. ARCHIBALD FORBES:
To Secretary of State, Pensacola, Jan. 29, 1764 ... 141

LETTERS WRITTEN BY MAJ. WILL FORBES:
To ...., Pensacola, Jan. 30, 1764 ... 112

LETTERS WRITTEN BY LIEUT. THOS. FORD:
To Farmar, Maj. Robert, Tombekbe Fort, Nov. 24, 1763 ... 22
To Farmar, Maj. Robert, Tombekbe Fort, Dec. 3, 1763 ... 37

LETTERS WRITTEN BY GENERAL THOS. GAGE:
To Simpson, Capt. Andrew, New York, July 31, 1765 ... 387
To Wedderburn, Lieut.-Col., New York, July 31, 1765 ... 392

LETTERS WRITTEN BY GRAND JURY:
To Wegg, E. R., Pensacola, Jan. 23, 1766 ... 508

LETTERS FROM GOV. GRANT AND JOHN STUART:
To ...., St. Augustine, Dec. 9, 1765 ... 174

LETTERS WRITTEN BY LORD HALIFAX:
To Johnstone, Gov. Geo., St. James, Apr. 4, 1764 ... 145
To Johnstone, Gov. Geo., St. James, May 12, 1764 ... 147
To Johnstone, Gov. Geo., Sept. 8, 1764 ... 151
To Johnstone, Gov. Geo., Feb. 9, 1765 ... 172
To Johnstone, Gov. Geo., St. James, Mar. 23, 1765 ... 176
To Johnstone, Gov. Geo., St. James, Apr. 13, 1765 ... 176

LETTERS WRITTEN BY LORD HALIFAX:

PAGE
To Lords of Trade, St. James, Apr. 20, 1764 146
To Lorimer, Surgeon, Jan. 26, 1766 399

LETTERS WRITTEN BY INDIAN CHIEFS:

To Johnstone, Gov. Geo., Pensacola, June 9, 1766 526

LETTERS WRITTEN BY INHABITANTS OF PENSACOLA:

To Wegg, E. R., Pensacola, Jan. 23, 1766 507

LETTERS WRITTEN BY INHABITANTS OF WEST FLORIDA:

To Pownall, John, West Florida, Apr., 1766 303

LETTERS WRITTEN BY GOVERNOR GEO. JOHNSTONE:

To Aubry, Gov., Pensacola, May 3, 1766 310
To Aubry, Gov., Pensacola, July 2, 1766 316
To Bamford, Capt.-Lieut., Pensacola, May 24, 1765 352
To Clifton, Chief Justice, Pensacola, Aug. 21, 1763 477
To Conway, Secretary, H. S., Pensacola, Oct. 23, 1765 291
To Conway, Secretary, H. S., Pensacola, Oct. 24, 1765 291
To Conway, Secretary, H. S., Pensacola, Jan. 28, 1766 293
To Conway, H. S., Pensacola, June 23, 1766 509
To Conway, H. S., Pensacola, June 23, 1766 511
To Creeks, Pensacola, June 9, 1766 523
To Dawson, Rev. Wm., Pensacola, May 29, 1766 318
To Gage, Gen. Thos., Pensacola, June 20, 1765 384
To Gage, Gen. Thos., Pensacola, Oct. 5, 1765 405
To Gage, Gen. Thos., Pensacola, Jan. 27, 1766 413
To Halifax, Lord, London, Apr. 17, 1764 145
To Halifax, Lord, Whitehall, May 30, 1764 149
To Halifax, Lord, Island of St. Christophers, Aug. 4, 1764 152
To Halifax, Lord, Pensacola, Oct. 31, 1764 152
To Halifax, Lord, Mobile, Feb. 19, 1765 255
To Halifax, Lord, Pensacola, June 11, 1765 256
To Halifax, Lord, Pensacola, Sept. 14, 1765 288
To Lindsay, Sir John, Pensacola 263
To Lords of Trade, June 4, 1764 150
To Lords of Trade, Pensacola, Feb. 26, 1766 417
To Mackinen, Capt. Robert, Pensacola, Nov. 3, 1764 158
To Mackinen, Capt. Robert, Pensacola, Nov. 4, 1764 162
To Mackinen, Capt. Robert, Nov. 7, 1764 164
To Maxwell, Lieut.-Col. Edward, Pensacola, Jan. 20, 1766 419
To Maxwell, Lieut.-Col. Edward, Pensacola, Jan. 31, 1766 423
To Maxwell, Lieut.-Col. Edward, Pensacola, Feb. 1, 1766 432
To Maxwell, Lieut.-Col. Edward, Pensacola, Feb. 2, 1766 433
To Maxwell, Lieut.-Col. Edward, Pensacola, Feb. 3, 1766 434
To Maxwell, Lieut.-Col. Edward, Pensacola, Feb. 9, 1766 438
To Officer of Main Guard, Pensacola, Jan. 31, 1766 421
To Pensacola Garrison, Pensacola, May 25, 1765 396
To Pownall, John, Nov. 9, 1764 156
To Pownall, John, Pensacola, Oct. 31, 1764 167
To Pownall, John, Kingston, Jamaica, Sept. 25, 1764 170

LETTERS WRITTEN BY GOVERNOR GEO. JOHNSTONE—*Continued:* PAGE
To Pownall, John, Pensacola, Feb. 19, 1765 271
To Pownall, John, Pensacola, May 4, 1765 278
To Pownall, John, Pensacola, July 19, 1766 307
To Pownall, John, Pensacola, Aug. 7, 1766 319
To Pownall, John, Pensacola, Aug. 7, 1766 337
To Pownall, John, Pensacola, Apr. 1, 1766 442
To Pownall, John, Pensacola, Apr. 1, 1766 444
To Pownall, John, Pensacola, Apr. 1, 1766 457
To Pownall, John, Pensacola, Apr. 1, 1766 465
To Pownall, John, Pensacola, June 23, 1766 518
To Pownall, John, Pensacola 531
To Pownall, John, Pensacola, Sept. 26, 1766 532
To Provost Marshal General, Pensacola, Mar. 30, 1766 485
To Robertson, Engineer, Pensacola, Feb. 9, 1765 280
To Secretary at War, Half Moon St., May 4, 1764 117
To Secretary, Lords of Trade, Pensacola, Jan. 28, 1766 344
To Secretary, Lords of Trade, Pensacola, Apr. 1, 1766 455
To Secretary, Lords of Trade, Pensacola, Apr. 1, 1766 460
To Simpson, Capt. Andrew, Pensacola, May 25, 1765 351
To Simpson, Capt. Andrew, Pensacola, May 24, 1765 352
To Stuart, John, Pensacola, June 12, 1765 184
To Tayler, Gen. William, Pensacola, June 22, 1766 519
To Ulloa, Gov., Pensacola, May 3, 1766 311
To Ulloa, Gov., Pensacola, June 19, 1766 316
To Walsh, Lieut.-Col., Pensacola, Sept. 29, 1765 401
To Walsh, Lieut.-Col., Pensacola, Sept. 30, 1765 404
To Walsh, Lieut.-Col., Pensacola, Dec. 21, 1765 408
To Walsh, Lieut.-Col., Pensacola, Jan. 11, 1766 409
To Walsh, Lieut.-Col., Pensacola, July 23, 1766 412
To Walsh, Lieut.-Col., Pensacola, Feb. 26, 1766 441
To Wegg, E. R., Pensacola, Apr. 26, 1765 411

LETTERS WRITTEN TO GOVERNOR GEO. JOHNSTONE:

By Aubry, Gov., New Orleans, Feb. 7, 1765 274
By Aubry, Gov., New Orleans, June 3, 1766 314
By Bruce, James, Pensacola, May 27, 1766 336
By Bruce, James, Pensacola, July 6, 1765 504
By Browne, Montfort, Mobile, Mar. 23, 1766 495
By Campbell, James, Mobile, Dec. 12, 1764 266
By Clifton, Chief Justice, Pensacola, Aug. 22, 1765 479
By Clifton, Chief Justice, Pensacola, Feb. 28, 1766 495
By Conway, H. S., St. James, Sept. 12, 1765 259
By Conway, H. S., St. James, Mar. 13, 1766 296
By Ellis, W., War Office, May 6, 1765 399
By Halifax, Lord, St. James, Apr. 4, 1764 145
By Halifax, Lord, St. James, May 12, 1764 147
By Halifax, Lord, Sept. 8, 1764 151
By Halifax, Lord, Feb. 9, 1765 172
By Halifax, Lord, St. James, Mar. 23, 1765 176
By Halifax, Lord, St. James, Apr. 13, 1765 176
By Indian Chiefs, Pensacola, June 9, 1766 526
By Johnstone, James, Pensacola, Feb. 28, 1766 489
By Lindsay, Sir John, Pensacola Harbor, Jan. 2, 1765 265
By Mackinen, Capt. Robert, Pensacola, Nov. 5, 1764 162
By Mackinen, Capt. Robert, Pensacola, Nov. 6, 1764 162
By Mackinen, Capt. Robert, Pensacola, Nov. 7, 1764 165
By Maclellan, Lieut. Alexander, New Orleans, Dec. 10, 1764 268
By Maxwell, Lieut.-Col. Edward, Pensacola, Jan. 31, 1766 422

LETTERS WRITTEN TO GOVERNOR GEO. JOHNSTONE—*Continued*: PAGE

By Maxwell, Lieut.-Col. Edward, Pensacola, Feb. 1, 1766 432
By Maxwell, Lieut.-Col. Edward, Pensacola, Feb. 3, 1766 435
By Maxwell, Lieut.-Col. Edward, Pensacola, Feb. 6, 1766 437
By Officer of the Guard, Pensacola, Jan. 31, 1766 421
By Pilot, Lieut., Pensacola, Feb. 26, 1766 420
By Pownall, John 269
By Simpson, Capt. Andrew, Pensacola, May 23, 1765 351
By Stephenson, John, Pensacola, Sept. 10, 1765 480
By Struthers, William, Mobile, Apr. 10, 1766 516
By Struthers, William, Little Tallasey, May 20, 1766 520
By Ulloa, Gov., New Orleans, Apr. 1, 1766 308
By Walsh, Lieut.-Col., Pensacola, Sept. 30, 1765 405
By Walsh, Lieut.-Col., Pensacola, Dec. 21, 1765 409
By Walsh, Lieut.-Col., Pensacola, Jan. 12, 1766 410
By Walsh, Lieut.-Col., Pensacola, Feb. 26, 1766 442

LETTERS WRITTEN BY JAMES JOHNSTONE:

To Johnstone, Gov. Geo., Pensacola, Feb. 28, 1766 489

LETTERS WRITTEN BY GENERAL KEPPEL:

To Farmar, Maj. Robert, The Conquistador, July 19, 1763 128
To Ogilvie, Maj., The Conquistador, July 19, 1763 127
To Prevost, Col., Havana, July 3, 1763 130

LETTERS WRITTEN BY M. KERLEREC:

To Farmar, Maj. Robert, New Orleans, July 5, 1763 39
To Farmar, Maj. Robert, New Orleans, Oct. 2, 1763 54

LETTERS FROM SIR JOHN LINDSAY:

To Johnstone, Gov. Geo., Pensacola Harbor, Jan. 2, 1765 265

LETTERS WRITTEN BY LORDS OF TRADE:

To Halifax, Lord, Whitehall, Feb. 1, 1765 155
To Halifax, Lord, Whitehall, Feb. 1, 1765 167
To King, Whitehall, Aug. 1, 1766 342

LETTERS WRITTEN BY CAPTAIN ROBERT MACKINEN:

To Johnstone, Gov. Geo., Pensacola, Nov. 5, 1764 162
To Johnstone, Gov. Geo., Pensacola, Nov. 6, 1764 162
To Johnstone, Gov. Geo., Pensacola, Nov. 7, 1764 165
To Secretary at War, Pensacola, Oct. 30, 1764 123

LETTERS FROM LIEUTENANT ALEXANDER MACLELLAN: PAGE
To Johnstone, Gov. Geo., New Orleans, Dec. 10, 1764 268
To Walsh, Lieut.-Col., Pensacola, Jan. 14, 1766 415

LETTERS FROM ADJT.-GENERAL MAITLAND:
To Loftus, Maj., New York, Feb. 20, 1765 395

LETTERS WRITTEN BY LIEUT.-COLONEL EDWARD MAXWELL:
To Johnstone, Gov. Geo., Pensacola, Jan. 31, 1766 422
To Johnstone, Gov. Geo., Pensacola, Feb. 1, 1766 432
To Johnstone, Gov. Geo., Pensacola, Feb. 3, 1766 435
To Johnstone, Gov. Geo., Pensacola, Feb. 6, 1766 437

LETTERS WRITTEN BY OFFICER OF THE GUARD:
To Johnstone, Gov. Geo., Pensacola, Jan. 31, 1766 421

LETTERS WRITTEN BY LIEUTENANT PILOT:
To Johnstone, Gov. Geo., Pensacola, Feb. 26, 1766 420

LETTERS WRITTEN BY JOHN POWNALL:
To Lowndes, Chas., Whitehall, Oct. 3, 1765 269

LETTERS FROM LIEUT.-COLONEL PREVOST:
To Secretary at War, Pensacola, Sept. 7, 1763 136

LETTERS WRITTEN BY ENGINEER ARCHIBALD ROBERTSON:
To Mackinen, Capt. Robert, Pensacola, Oct. 25, 1764 123

LETTERS WRITTEN BY EDWARD SEDGWICK:
To D'Oily, C., Esq., Great George St., May 14, 1764 5
To Pownall, Sec. John, St. James, May 23, 1764 147

LETTERS WRITTEN BY CAPTAIN ANDREW SIMPSON:
To Johnstone, Gov. Geo., Pensacola, May 23, 1765 351

LETTERS WRITTEN BY JOHN STEPHENSON:
To Johnstone, Gov. Geo., Pensacola, Sept. 10, 1765 480

Letters Written by William Struthers: PAGE
To Johnstone, Gov. Geo., Mobile, Apr. 10, 1766 516
To Johnstone, Gov. Geo., Little Tallasey, May 20, 1766 520

Letters Written by Governor Ulloa:
To Johnstone, Gov. Geo., New Orleans, Apr. 1, 1766 308

Letters Written by Lieut.-Colonel Walsh:
To Johnstone, Gov. Geo., Pensacola, Sept. 30, 1765 405
To Johnstone, Gov. Geo., Pensacola, Dec. 21, 1765 409
To Johnstone, Gov. Geo., Pensacola, Jan. 12, 1766 410
To Johnstone, Gov. Geo., Pensacola, Feb. 26, 1766 442

Letters Written by E. R. Wegg:
To Clifton, Chief Justice, Pensacola, Jan. 23, 1766 507
To Shelburne, Earl of, Oct. 24, 1766 532
To Pownall, John, Apr. 23, 1766 505

GEORGE JOHNSTONE.

Johnstone, George (1730-1787), Governor of the Province of West Florida, 1763-67, was fourth son of Sir James Johnstone, a Scotsman of Westerhall, Dumfriesshire. (See Burke Baronetage.) Among the younger sons of a family belonging to the nobility, he, like many others of that seemingly unfortunate class, was put to the necessity of choosing a profession, and quite early showed his preference for the navy, the Church not having appealed to him sufficiently for him to content himself with respectable distinction, possible without effort. On February 2, 1749-50, he passed his examination for lieutenant in the navy, having served something near six years at sea, during which time he changed captains many times. During the period of service, however, he gave evidence of a daring and adventurous spirit, and certainly of exceptional courage, while serving under Captain Brodie of the Canterbury, by boarding a fireship and "making fast a chain by which she was towed off clear of the squadron," when Port Louis was attacked on March 8, 1747.

Quite early in his career, before he had been clothed with any authority of consequence, he evinced an aggressive and overbearing disposition, and we find him, in 1747, challenging, with no very serious results fortunately, a Captain John Crookshanks, who on his leaving his ship, refused him a certificate. A promotion to the rank of lieutenant followed in 1755, and while in the Bideford on the West India station, his stormy nature precipitated him into another duel with the captain's clerk, which resulted in the death of the latter. One is not surprised to find that he was court-martialed and found guilty, several years later, for insubordination and disobedience. In consideration, however, of his gallant behavior on former occasions, he was dismissed with only a reprimand.

After another succession of changes, during which he was employed in the North Sea, and afterwards on the Lisbon Station, he was advanced to post rank, and appointed to the Hind, at that time at Gibraltar. While awaiting her return he met with a painful accident in a fall of seventeen feet at Chatham, from which he was confined to bed for twelve weeks with a sprained ankle and other injuries of the foot.

It would be interesting to know just how a person of Johnstone's nature, adventurous, restless, possessed of an over supply of edge and spur, unmistakably fickle and little given to restraint, would spend twelve weeks nursing an injured limb. But in view of his wide acquaintance with literature, and fondness for displaying the fact, it might not be too far fetched to suppose that he spent the time reading classical literature, and, furthermore, to suppose that other periods of leisure were also spent in the same way.

When his ship returned from her distant faring, Johnstone was still unable to join her, and was placed on half-pay, being forced, of necessity, for something over a year, to live leisurely, or else did so purely as a matter of choice.

At the conclusion of peace between the three nations, France, Spain and England, in 1763, the French and Spanish governments ceded to England the territory in the southern part of North America, known as the Floridas, which, for the purposes of political government, was divided into two provinces, and called East Florida and West Florida. Through the influence supposedly of Lord Bute, who was not only Premier of England and close to the king, but a Scotsman besides, Johnstone was formally, on November 20, 1763, appointed Governor of West Florida; Col. James Grant, another Scotsman, having about the same time been appointed Governor of East Florida. A publication, called the North Briton, commented quite severely upon the unfitness of the appointment, whereupon Johnstone entered into a quarrel with the managers, which came very near bringing on another duel, a style of combat for which he was fast becoming notorious. Pursuing the matter still further, he engaged in a hand-to-hand fight with the supposed author of the criticism, which ended in his being bound over to keep the peace.

From Sir John Lennox, Johnstone's most elaborate and painstaking biographer, from whose sketch many of the details of his life have been gathered, we must conclude that he was not much above the common swashbuckler of the time, his only claim to trust and promotion being an occasional act of gallantry in the interest of his country, at a period when a little sea service, always held in high esteem, was a strong plea for further promotion.

Johnstone's ideas of obedience and authority were gained from the discipline of naval life, where men were little more than puppets in the hands of their superiors. This training, however, was entirely unsuited for the administration of the affairs of a colony, where the inhabitants come only under the restrictions of the law, are largely left free to manage their own affairs, and are not so much subjected to the personal whims and caprices of their superiors.

Upon entering upon his new post, he, at the very outset, found himself upon bad terms with Major Farmar, a member of the military who, in the absence of a governor, had administered the affairs of the Province. This alone was sufficient to handicap him in the initiative period of his administration. This, however, was soon followed by a clash with the military as to the question of command, which Johnstone claimed was virtually vested in himself. The long series of quarrels and misunderstandings that followed augured badly for the prosperity of the colony. That General Gage, Commander-in-Chief of the British army, sympathized with the military is noticeable throughout the extended quarrel; that he finally openly disapproved of Johnstone's assumption of power must have served to weaken the latter in the eyes of the colonists. However, a majority of the Colonial Council, composed of Johnstone's appointees, generally supported his policies, though their approval never seemed of sufficient weight to strengthen his influence or enhance his prestige.

The correspondence—and there was much of it in this instance—of opposing factions rarely does each other justice. A close study of the records, however, in this case reveals the fact that Johnstone's arbitrary and self-willed nature stood in his way, and that his methods, sincere though he may have been, were such as to hamper the prosperity of a colony, upon which depended the co-operation of all concerned.

His quarrel with Chief Justice Clifton, though that official himself seems to have been of a choleric and irascible nature, and delinquent enough in the performance of duty, was most unfortunate, and evinced a marked lack of good judgment and self-restraint on the part of a man conducting public affairs, when he must have known that every new opposition would in all probability ally itself to that already formed against him.

There was little doubt that Johnstone found the affairs of the Province being conducted in a loose style. The incapacity and, in some instances, the lack of integrity on the part of the officials do not escape the student of this manuscript page of American history. In addition to this, the uncivil manner in which all authority was received created conditions that made the direction and development of an outpost of civilization difficult. But, while all this might have had a hurtful influence, it was not sufficient to render his administration a total failure, had there not been marked defects in his own conduct and behavior. He claimed upon one occasion that the Stamp Act —the Pandora Box of all the American colonies—was responsible for the failure of his administration, but it must be believed, from an impartial study of the records, that a dispute for military command, and a continual pressing of this point, was responsible for most of the troubles of West Florida. It is very evident then, that while Johnstone was possessed of much ability, and was a man of some learning, even of a certain sort of culture, his aims and objects could only have been attained by his being invested with absolute control, a delegation of power that in the end would probably have brought about worse conditions than those that really followed.

In this desire, however, for military control—and his ignorance holds for him a certain exoneration—it should be noticed that he always seemed sincerely unable to understand the law governing the adjustment of the civil and military power, a lack of intelligence that involved him in many controversies that could have been avoided by one better informed, or less desirous of self-aggrandizement. Complaints from both military and civil circles began to pile up thick and fast, and these, unfortunately, did not end at home. A constant stream of dissatisfaction flowed back to the home government. We catch the weight of it early, in a letter to Johnstone from the Secretary of War, dated March 13, 1766, which to a sensitive mind would seem a reprimand.

Johnstone always received, or seemed to receive, these complaints with astonishment and even indignation, and replied to them in a straightforward enough manner, apparently filled with solicitude for the welfare of the colony, and always making his own subordinate to it. His arguments, though presented in so grandiloquent a style as to risk a serious acceptance, do not fail to impress one with the conviction that they were made in sincerity. But even here we catch a contention for more power than that he already enjoyed, and a marked chagrin that it was denied him by higher authority.

The most dignified and practical proceedings in which he seems to have been engaged during his administration, was the erection of Fort Bute, and this, it should be noted, was a suggestion of Major Farmar's. The two notable congresses held with the Creek, Chickasaw and Choctaw Indians, were also conducted with remarkable ability, Johnstone displaying a self-restraint, insight, and skill that might have been the methods of a statesman, and were fully equal to those of Andrew Jackson at a much later period, when he diplomatically outwitted the descendants of one of these same tribes, and gained legal possession of their homes and lands. By his friendly attitude of good-will, Johnstone succeeded in keeping the peace with the war-like Creeks at a very critical period of the colony's existence, and when we take into consideration that his private opinion of the solution of the Indian question in this part of North America was a very brutal one, this total disguisement of his real feelings was remarkable for its subtlety and finesse. How much he was indebted to the Chevalier de Mauberant for his successful negotiations with the Indians, is a subject for a more elaborate biography than the scope of this one admits. The final rupture between them, followed by a heated controversy, served as a subject for several extended manuscript memoirs by the Mauberants.

In his internal policy for the improvement of the colony, though he wrote often and well of the means and measures by which its prosperity could be increased, he exhibited little of the thrift of the Scotsman, the inhabitants often complaining of his neglect of their interests. He must have known that the question of religion entered largely into the life of the most of the American colonists, and yet we find complaint that he did nothing to provide the people with a house of worship. The instance of a minister leaving the Province because of his receiving insufficient support, could not primarily be fault of his, but the whole state and trend of affairs showed conclusively that there was not the mutuality and reciprocity necessary to the happiness and progress of the people.

It should be taken into consideration, however, that the Provinces of both East and West Florida faced, in their isolation and environment, disadvantages that did not confront the older colonies to the north of them. Trade upon which depended the vital breath of this especial colony was an infant industry, and, besides being constantly the prey of wandering bands of Indians, the colony was visited by plagues, now recognized chiefly as yellow fever, which sometimes depleted whole families. But more than all else, the sterility of the soil in many places was such that new settlers became constantly discouraged. Johnstone was cognizant of these disadvantages in the development of the colony, but, though he recognized and referred to them several times in his communications to the Home Secretary, much of the time that could have been devoted to internal improvements along various lines, was spent in wordy and heated arguments, that served only to disturb the peace of the Province. It is true that he, upon several occasions, advertised the colony in glowing colors, but he did not seem capable of putting into successful operation any policy proposed, and, after a term of something over three years, during which his administration was torn by dissensions, both civil and military, he asked for and was granted a leave of absence.

Lieutenant Governor Browne, whom he had frequently charged with corruption, and with whom he had never enjoyed amicable relations, even going so far as to propose pistols as a means of personal satisfaction, was left in charge of affairs. If the failure of Governor Browne to conduct the affairs of the Province successfully be any explanation or excuse for Johnstone's unsuccessful attempt, the latter is entitled to whatever justification there might be derived from the fact that affairs grew worse, if anything, under the subsequent administration.

On his return to England, though not having much to his credit, Johnstone's service in the navy, supplemented by that he had seen in America in a civil capacity, rendered him of sufficient importance in the eyes of his countrymen to insure for him further promotion, and in the general election of 1768, he was sent to Parliament from the Cockermouth borough. His western experience seemed to have rendered his nature more boisterous and turbulent than ever, and, in the atmosphere of an old world society, surrounded by the restraints of both king and Church, no less than on a far out part of civilization, he gave free vent and reign to his passions, becoming disputatious and intemperate in speech, and making much of his skill with the pistol. In his political affiliations, he espoused the side of the government. That he bore himself with considerable weight, if not credit, in an argument, can readily be believed after a perusal of his long harangues, reduced to writing, in defense of his policies in West Florida.

Another, and again fortunately bloodless duel with Sir George Germaine, occurred about this time, brought on, says Sir John Lennox, by a gross insult offered publicly by Johnstone. It is somewhat paradoxical, in view of the high standards claimed by English society at this period, that these methods of Johnstone should have been regarded as an asset to his influence by his party, and yet we are informed that he turned them to good account in the interest of his party more than once. He was continued in Parliament at various elections, where he succeeded in creating the impression that he was no mean authority upon American affairs. He was, for this reason, honored with an appointment upon a Commission with the Earl of Carlisle to treat with the American Colonies in 1778.

Though never seeming to have performed any serious or valuable work, one is hardly prepared for Johnstone's conduct as a member of this Commission, since, among all the charges hitherto preferred against him, the one of bribery had never been made. "In the course of the negotiations," says Sir John Lennox, "Johnstone endeavored by a private arrangement, offered in writing, to win over one of the American Commissioners, who promptly reported the circumstance to Congress, and Congress as promptly passed a resolution, the 11th of August, that it was incompatible with its honor to hold any manner of correspondence or intercourse with the said George Johnstone, especially to negotiate with him upon affairs in which the cause of liberty and virtue was interested. Such lofty sentiments could but strike with force the English members of the Commission, and while they did not officially assent to the construction Congress placed on the matter, Johnstone was obliged to retire from the Commission.

On his return to England, we find him again a member of Parliament, a partisan of Sir Hugh Palliser, and a bitter antagonist of Kepple and Howe. In his vigorous and noisy support of the government, he created the impression in the mind of Lord Sandwich that he was deserving of some special favor, and was naturally given naval promotion, being appointed Commodore and Commander-in-Chief of a small squadron to be employed on the coast of Portugal. A period of naval service followed, much of which was of an indifferent nature, but relieved throughout by occasional acts of gallantry.

A serious difficulty with a Captain Evelyn Sutton during this time, noted for extreme cruelty on the part of Johnstone, followed him in the courts down to his death. His acquaintance with East Indian affairs was begun during this period of his career, and Appleton's Encyclopedia accredits him with the preparation of a book upon the subject. In Lisbon, where he frequently spent some time, he was married, supposedly for the first and only time, since his biographer notes that his wife, Charlotte Dee, bore him one son, named John Lowther, evidently for his friend, Sir James Lowther. His son succeeded to a baronetcy on the death of his uncle, and was noted as a man of some prominence.

After his retirement from naval service, Commodore Johnstone again became a member of Parliament. His health, however, was very much impaired, and after an invalidism of two years, he died at Bristol on March 24, 1787, at the age of fifty-seven years.

Though historians give Johnstone scant mention, Trevelyan, in his history of the American Revolution, dwelling only long enough upon him to note that he was a member of the American Commission, and that the Earl of Carlisle regarded him as a "fighting man," we find scattered through the history of his period many minor references to him, and a few of his speeches seem to have been of sufficient importance to secure for them publication.

Hamilton, in his Colonial Mobile, gives a summary of his administration as Governor of West Florida, but brings out nothing new to show that Johnstone was any other but the man represented by his biographers, and dealing principally with his controversy with the Chevalier de Mauberant. It is claimed, however, by some students of the manuscript history of the Province of West Florida, that Johnstone's superior ideals of honesty, and the rigor with which he investigated the conduct of public officials, brought on much of the opposition that manifested itself against him in the Florida Province; but, ignoring Sir John Lennox's very uncomplimentary estimate of him, the instance of his attempted bribery of a member of a Commission appointed to adjust grave public matters, did not denote any high order of ideals, nor did his opinion that the Creek Indians should all be massacred as a proper solution of the Indian question in West Florida. He seems, however, to have always been above the temptation of a mere money consideration, and his courage, though largely of a hazardous and adventurous quality, could not be questioned. But, the fact remains that, though he had been intrusted with numerous positions that afforded the highest sort of distinction, his public labors were sadly lacking in all good results that ought to have followed an active career of one apparently bent on service to his country.

PART I.

Public Record Office. War Office. Series 1,
Vol. 49. Military papers of Major
Robert Farmar.

MISSISSIPPI

PROVINCIAL ARCHIVES

ENGLISH DOMINION

1763-1766

Great George Street
Monday, 14 May, 1764

Sir,

I herewith return you the several Papers you were so obliging to send me, together with the List, on which I have mark'd thus + such of them as Lord Halifax[1] desires to have copies of; and his Lordship would be glad to have as soon as you conveniently can, for the sake of communicating them to Gov^r Johnston,[2] to whom the Informations they contain, will be of great use.

I keep back No. I, because a copy of the whole is unnecessary for Us; as soon as the Extracts which we want are made, the original shall be return'd to you.

Lord Halifax returns his thanks to M^r Secry at War, for this communication.

I am with great Truth and Regard
Sir,
your most obedient
and most humble Serv't
Edw'd Sedgwick.

C. D' Oily, Esqr.

Endorsed 14th May 1764—Mr. Sedgwick-

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[1] One of the principal Secretaries of State.

[2] First Governor of West Florida.

List of Papers transmitted from Mobille, by Major Farmar, to the Secretary at War, in January 1764.

No. 1. +Letter from Major Farmar, to the Secretary at War,
2. +Instructions to the Indian Interpreters
3. +Report of the State of Fort Charlotte at Mobile
4. +An account of Utensils recd from the French Storekeeper
5. +Copy of a Letter from Lieut. Ford at Tombekle Fort[1]
6. +Names of the Villages, Chiefs, & No. of Inhabitants of the Ichacto Nation, who received presents from the French.
7. +List of the French Annual Presents to the Ichacta Nation
8.—State of the Revenue of Louisiana &c.
9. +Account of the produce of the Country near Mobille
10. +List of Major Farmar's Nomination of Staff Officers there
11. +Major Farmar's Letter to Mons. Develle to adjust the relieving of Mobille
12. Monsr. Develle's Letter to Major Farmar
13 Monsr. Dabbadie's Letter to Major Farmar
14. +Major Farmar's Letter to Monsr. Dabbadie
15. +Extract of Lieut. Ford's Letter from Tombekle fort
16. Translation of Monsr. Kerlerce's Letter to Major Farmar
17. +State of Effects and Utencils belonging to the French King, at Mobille &c.
18. +Monsr. Kerlerce's Letter to Major Farmar
19. Major Farmar's Letter to Monsr. Develle with military stores.
No. 20. +Manifesto published by Major Farmar at Mobille
21. +Minutes of some Appointments necessary at Mobille
22. Major Farmar's Contingent Account
23. +A verbal Process of the Cession of Mobille
24. +Harrangue to the Creeks.

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[1] Built by Bienville in 1736 as a base in his disastrous expedition against the Chickasaws. The site of the fort is now called Jones Bluff on the Tombigbee river in Sumpter County, Alabama, near Epes.

25. Speech to the savages of Alabama at their first coming to Mobille
26. +A Council held with the Ichaktaw Nation
27. Military appointments propos'd by Major Farmar
28. +Instructions to be observed by Officers on Out Posts
29. +Names of Villages inhabited by the Creek Indians, & the number in each
30. +Cession of Tombeklee Fort
31. +Return of Ordnance & Ordnance Stores issued from Fort Charlotte at Mobille
32. +Return of the Cannon, Carriages &c. at Fort Tombekbe
33. +Return of Ordnance & Ordnance Stores, received into His Majesty's Stores at Fort Charlotte.
34. +List of Ordnance Stores & Necessaries for Fort Charlotte
35. Embarkation Return of the 22d Regt.
36. +List of the different pieces of Ordnance in Fort Charlotte

Endorsed April 1764—List of Papers transmitted—from Mobille, by Major Farmar,—to the Secretary at War.

From Major Farmar,[1] *to the Secretary at War.*

Mobille 24th January 1764

Sir

I had the Honour of addressing you from Jamaica the 31st of August last, to inform you of my arrival there, and the Necessity I was under of drawing upon the Treasury for Twelve hun-

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[1] Very little is known of the early life of Robert Farmar. He was born in 1735, and was about twenty-nine years old when he was ordered to Mobile to occupy the French posts in the Alabama-Tombigbee basin. In executing his orders he showed that he was equal to the demands of a difficult situation. His letters lead to the conclusion that he was a man of considerable ability. He incurred the enmity of Governor Johnstone and was charged with embezzlement by that official. Eight serious charges against his integrity were made, and these were submitted to a court martial, by which he was acquitted. After his vindication, in 1768 Farmar seems to have retired from the military service. He acquired considerable property, made his home in Mobile, married and reared a family of five children. In 1778 we find Farmar enjoying the life of an opulent planter at Tensaw Bluff, at the head of Mobile Bay. In Brewer's "Alabama" the date of his death is given as 1780.

In his official relations with Aubry, the French governor at New Orleans, dred pounds, an account whereof I have herewith inclosed, and as it will appear by the said account, I have paid the Ballance into the hands of the Commissary Sir Jeffrey Amherst sent hither, in order that he might provide such things as are necessary for the Indians, but this sum has not been sufficient to discharge that service, and the Repairs Immediately requisite in the Fort, and the Soldiers Barracks, to preserve the one from going entirely to ruin, and make the latter Lodgeable for the Men. I have been therefore obliged to take up Goods and Provisions for the Indians, Wood and other materials for the Repairs upon Credit, to the amount of a considerable sum, which at present I am not able to ascertain, as it was Transacted by Commissary Campbell whom I have sent to New Orleans to regulate the Provisions and other affairs for the 22nd Regiment, now on their passage to that place, and from thence to proceed to the Illinois, which is reconed to be about four Hundred and fifty Leagues from New Orleans.

I transmitted to Sir Jeffery Amherst an Account of the use I had apply'd the Government's money to, but as it was made up in a hurry, there is some mistakes committed in the articles marked (d) as I had not sufficient time to Exammine thoroughly the several Accounts, Lieu^{t} Colo^{l} Robertson Quartermaster General for America, being in such haste to return to make his report to Sir Jeffrey Amherst, who had sent him to visit the Several Posts in Florida and Louisiana. Lieu^{t} Colo^{l} Robertson brought some money with him for the Subsistance of the Troops, but the Transporting of the 22nd Regiment to the Illinois requiring so large a sum, he was obliged to appropriate

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Major Farmar seems to have impressed that official as a man of unusual parts. In a report to his government Aubry writes of Farmar as follows:

"This governor of Mobile is an extraordinary man. As he knows that I speak English, he occasionally writes to me in verse. He speaks to me of Francis I and Charles V. He compares Pontiak, an Indian chief, to Mithridates; he says that he goes to bed with Montesquieu. When there occur some petty difficulties between the inhabitants of New Orleans and Mobile, he quotes to me from the Magna Charter and the laws of Great Britian. It is said that the English ministry sent him to Mobile to get rid of him, because he was one of the hottest in the opposition. He pays me handsome compliments, which I do return to him, and, upon the whole, he is a man of parts, but a dangerous neighbor, against whom it is well to be on one's guard." This flattering opinion of Major Farmar is somewhat puzzling, as his official letters to the home government do not contain evidences of wide culture. While historians have always held that Aubry was describing Farmar, it is most likely that he referred to Governor Johnstone.

most of it to that use, leaving me only Subsistance for the Regiment from the 25th Decemr to 23d Feby 1764, and a small sum to subsist a Command of Fifty men purposed to be sent to take possession of Natchize,[1] a post about Eighty Leagues North of New Orleans on the River Mississippi, which the French have abandoned since the Definitive Treaty was Signed, and I do imagine since it was Authentically made known to them, I am in no small Delima at present, not knowing where, or how, to procure Money to pay for the Goods &ca. and the Workmen employ'd, as what little Cash the Merchants here have, they do not chose to take Bills for, payable at New York, and our being supply'd from thence is verry precarious from the distance, and the dificulty of the Navigation, and to put this Fort in a state of Defence, the Platforms ought to be entirely New laid, as both the Timber and planks are so rotten, that they will not support the weight of the Cannon, the Stockades and Gates of the Covert way are in the same condition. When I took possession of it, one of the principal Gates of the Fort, and one of the Covert way leading to the water, were entirely unhinged, and the place not tenable against a party with small Arms, and the Communication between the Officers Barracks and the Fort open.

On my arival off the Harbour of Pensacola the 20th Septr I dispatch'd Capt. Lind of the 34th Regiment, with His Most Christian Majesty's Instructions to Monsr. Kerlerec Governour of New Orleans, and gave him directions to call at this place, and in case the Commanding Officer here had not Orders relative to the Evacuation, then to proceed to New Orleans. The Lieut. Governour having no Instructions with respect to the Cession, he was obliged to continue his Voyage. I particularly enjoyn'd him to insist upon the Cannon, Amunition, and all military Stores being delivered up with the place, as being Comprehended in the words of the Treaty, *And every thing which he possesses, or ought to Possess*, and being further implyed by the particular Stipulation made for his Catholic Majesty to remove all his Effects, likewise to concert with Monsr. Kirlerec the best means for relieving the several Posts, Monsr. Kirlerec in answer, assured Capt. Lind, that by orders from his Court, he had remov'd most of the Cannon, Stores &ca. before this came to hand, I had in order to Expediate the Disembarking the Troops, sent off the two small Vessels Admiral Keppel[1] had loaded with three Hundred Barrells of Powder, and other artilery Stores, under the direction of Capt. Farmar of the 22nd Regiment, with Instructions to obtain leave if possible from the Commanding Officer to lodge it in the Magazine, as those Vessels would be wanting to take on board the troops and Baggage that was in the large Transport, as it was found she drew too much water to pass the Bar. Monsr. Devell the Lieut. Governour would not permit the Powder to be landed, until assurance was given that he should remove Twenty eight Barrells of Powder then in the Magazine belonging to his Master, when he found it convenient, as it was intended for presents to the Indians. This by delaying time destroy'd in some respect what had been proposed by emptying those Vessels, so that when the Troops under convoy of His Majesty's Ship Stag Commanded by Capt. Willm. Bayne (from whom we had all possible assistance in the most agreeable manner) arived off the Bar of Mobille the ninth of October, those Vessels were not come down. The Evening of the fourteenth they came to point Mobille, and the sixteenth the three Transports that could get over, pass'd the Bar, and on the eighteenth Capt. Bayne, Major Loftus, Capt. Lind (who returned the evening of the 14th from New Orleans) and my self, landed by an Invitation from the Lieut. Governour, and were civilly receiv'd except that no Lodgings or Billets were assign'd us. The Lieut. Governour press'd verry streniously for the Troops being kept on board until such time as the Congress with the Indians was over (which was not finished until the 27th of last month) but on my representing the state the Troops must be in by being so long on board Ship, and the prejudice it would be to them to remain there any longer, he consented to Evacuate in two Days, and the Grenadrs. of the two Regiments took Possession of the Fort the Twentyeth of

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[1] **Established by Bienville in 1716. Under the English called Fort Panmure, in honor of the Minister of George III.**

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[1] Augustus, Viscount Keppel (1725-1786). He distinguished himself in the capture of Havana, August 14, 1762.

October, but as the Transports could not come nearer then within three Leagues of the Town, it took up so much time in Landing the Men (as we had only the Transports Boats and a verry heavy Lanch Capt. Bayne had been so good as to bring with him from Pensacola to transport the Men from the Ships to the Fort) that the Indians who had been invited for five or six Months before by the French, were assembled here before the Cannon and Stores could be brought up to the Fort, and by the first of November near three Thousand were encamp'd within two miles of the Fort.

Not knowing the intention of the Government with respect to giving presents to the Indians, and at the same time the Fort being in so ruinous a Condition that it was not tenable with the fiew Men these two Regiments consisted of, against any considerable body with small Arms, the Covert way being entirely open, and also the Communication, one of the Principal Gates of the Fort unhinged, the Indians in the French Interest much displeased with the English for taking possession without previously treating with them, and condemning the Conduct of the French, I thought it most advisable to promise the Indians that the English in all respects would use them as the French had done, as will appear in the Counsel held with them herewith enclosed, and that those who for several years have been in the English Interests, and came in their way to Congratulate us, might go away with a good Impression, and endeavour to reconcile those of their Nation that have always been friends to the French, I gave them considerable presents of such things as I could purchase here, and I am sorry to say it at a verry advanced price. I have also given some small articles to those that were heretofore in the French Interest, not by way of presents (those I have assured them will be sent by His Majesty, with proper Medals for the Chiefs) but as a token of our good intentions towards them, the dimentions of the Medals the French bestowed upon the Chiefs and headmen, I have given to Lieut. Colol. Robertson.

The most disagreeable Custom the French have Introduced amongst the Indians, is that of constantly giving them Victuals and drink, and which I have been under the Necessity of adopting, I have had five hundred of a day during the Congress to entertain in this manner, and now the main Body of them is gone, I have Twenty or Thirty every day that dine in the House, and must have Indian Corn to carry to their Camp for their Children, His Most Christian Majesty made considerable allowances to the Commanding Officer of each Post for this purpose, and allow'd them to charge for every thing the Indians destroyed-

On my arival here I found six Cannon lying in the Covert way with their Trunnions knocked of, and rendered entirely useless, for which reason I suffered them to be carry'd off, the Carriages were put together without the Works, some of them appear'd to be New, the Evening the French Troops sailed from hence, unknown to me they set them on fire.

The Post at Tombeckbay was taken Possession of the 22nd November by an Officer and 30 Men of the 34th Regiment, the French recon it about one Hundred Leagues from hence by Water, I deferred relieving the Post at Albama,[1] being advised by the Woolf King (a great chief amongst the Creek Indians) not to attempt it until he should inform me of the disposition of those of his Nation that were in the French interest, who are not yet come to a resolution, and in the present weak condition of the Regiment, should the Indians be ever so solicitous to have Troops there, I have not Men sufficient for that Service, especially as the Command for Natchize is to go from the 34th Regiment, the whole of the 22nd Regiment being insufficient for Illinois and the Posts depending on it,[2] Lieut. Colo^{l}. Robertson advised me to give over all thoughts of sending Men to Albama, as neither that, or Fort York at Tombeckbay can have the least assistance sent them in case the Indians should come to a Rupture, and are in a manner no other than so many Hostages in their hands for them to exact what terms they think proper from the English, these Posts are by no means of that consequence to the English, they were to the French- this country is so Extencive, that it is impossible to prevent the French from conveying anything they chose amongst the Indians in the present Situation of the Troops. In my humble opinion, this that is the most Exteriour, ought to be the most Interiour Post, and the principal Fort at Biloxi, with small Posts extending along the Lakes Pontchartrain, and Maurepas, to where the River Iberville communicates with the Mississippi,[1] otherwise the French will Command the greatest part of the Indian Trade as it is verry near to them and entirely open, to Guard this Coast properly it would require at least two Regiments more.

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[1] Farmar here seems to refer to Fort Toulouse, built by Captain de la Tour in 1714 by order of Governor Cadillac. It was built on the east bank of the Coosa, four miles above the junction of that river with the Tallapoosa.

[2] As early as 1722 the Province of Louisiana, which included the present territory of Mississippi, was divided into nine civil and military districts. Three of these were in Mississippi, to-wit: Biloxi, Natchez and Yazoo. Each district was protected by a fort, and was under the jurisdiction of a commandant and judge who administered the military and civil concerns of each.

The Entrance into this Bay is both difficult and dangerous for the Vessels it will admit, and they must be of a small Drought of water, there has been four Vessels lost on the Coast since I have been here, Biloxi is within Ship Isleand, where large ships can Ride with safety, and from whence all the other Posts could be succoured by water at all times, especially if we succeed in an attempt I purpose making of clearing the River Iberville, so that Boats drawing three foot water, may pass that way into the Mississippi so as not to be exposed to that dangerous Navigation of entering the mouth of the Mississippi, and being entirely at the mercy of the French, in passing New Orleans.

Should the report which we have here of New Orleans being ceded to the Crown of Spain prove true, this may turn out a valuable aquisition to the English, but otherwise I believe it will be of no great importance to great Britain, unless that of depriving the French of part of their Skin trade. The French have established an Interest with the Indians that will not be removed without observing a very uniform steady Conduct with them, Sacrificing every thought of social Enjoyment, and conforming in a great degree with the vile custom the French have introduced. Your House constantly open to them, giving them Victuals when ever they ask it, and the Goverment making them Annually considerable Presents, this one Nation call'd the Chactaws that inhabit this Country for four Hundred Miles North of this place, and all to the Westward as far as the River Mississipi, the French assure me are not less then fourteen Thousand, whereof six Thousand are fighting Men, There is some small Nations on the East side of the Bay of little note, but the Creeks whom the French call Jalapouces, and Albamoux, are the next considerable Nation in the Vicinity of this place. They are esteemed a more Enterprising War like People then the Chactaws. Although this is a verry light sandy soil, and the present Inhabitants have cultivated no other Grain then Indian Corn, I do imagine Rice might be produced in several parts where the Land is wet, and I likewise believe that the Cotton shrub might be cultivated to turn to good Account. All kinds of Artificers and handy Craftsmen are much wanted, especially Carpenters Wheelrights, Bricklayers, Smiths of all kinds, particularly Gun smiths, the latter there is no doing without. His Most Christian Majesty kept one at each Post continually in pay, to repair the Indian fire Arms, and the Soldiers Firelocks, what I have hitherto got done in this way, I was obliged to employ the French about (who are now gone from hence) not having a Man in the Regiment that knows anything of that busyness, when the Regiment left England we had several, but have been so unlucky as to lose them all upon the Isleand of Cuba.

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[1] It was the policy of the English to cut off the French at New Orleans from trade with their old Indian friends to the north. By making a water route from the Gulf to the Mississippi by way of Lakes Pontchartrain and the Iberville river, with a chain of posts along the route, their object could be attained.

The French have Committed a great oversight in erecting this Fort, there is no Magazine within the Fort for Provisions, firing &ca. the Magazine for Provisions is at a considerable distance from the Fort and cannot possibly be protected by the Garison in case of an Indian War, at present there is no regulation for furnishing the Troops with Fuel, when Colol. Robertson was here, I desired an Establishm^{t} of this kind might be settled, but his Orders was only to report to His Excellency Sir Jeffery Amherst, what Establishments and regulations were necessary, the Men are now employed great part of their time in cutting and bringing in wood upon their backs to dress their Victuals and keep themselves warm, for when the Northerly winds prevail, it is so cold as to freeze in one night to such a degree that the Ice will be of a great substance.

I have reason to believe the Officers and French Inhabitants have endeavoured to make a property of everything without the works that belonged to His Most Christian Majesty, as they do not allow that he had anything without the Works, The Hospital, and Magazine with all the Buildings Thereunto belonging (except one Store House) they pretend was private property, although they allow that most of them have been built at the Kings expense, and assert that the King paid Rent for them, and that the Commissary Storekeeper &ca. paid for their Dwelling Houses, a House that they do not deny was built by the Kings Contracter under the direction of an Engineer when the Governour lived, and another where the Fort Major lived in, they have made private property of, although there is no grant from the King, or any person that pretends to be authorized to give grants, but meerly by deeds of gift and sales they have convey'd from one to another in such a manner, that unless it could be known whether His Most Christian Majesty has suffered his officers to sell the Houses built at his Expence for the use of his Civil and Military Officers, there is no knowing how to act with them, there is one House that by the Original papers appears to be bought for the Kings use in the Year 1753, and for which the King is charged £818 ,, Sterling, which House at present is not worth £220. That they pretend was given away, and by the very person that bought it for the King, Viz Monsier Gondel, It would appear rather an act of opression in me to seize on those Houses without it was known whether these practices were allowed of, I have therefore inform'd the English Merchants, that if they purchase those Houses, and it should appear hereafter that they were the Kings property, they should pay Rent to the King for the Houses, and be lyable to be disposses'd for at present there is not sufficient Quarters for the Officers, and Men, exclusive of the Civil branch, although so very weak, and but the one Store House before mentioned, we are therefore distrest for want of Room and conveniences, there being but two Kitchins to the whole Barracks, I am obliged to live in a House without the works belonging to an Inhabitant, the Commissary of Provisions has not sufficient Store Room for his Provisions, the Ordinance Store keeper the same, and not the least place for the Barrack master to keep his Stores in, or for himself, and all kinds of Barrack Utencils are wanting.

Monsr. D'abbadie the present Governour of New Orleans, gave away a House in Septem^{r} last belonging to the King when Monsier Kerlerce was on the spot and acting as Governour.

In order to have proper care taken of the Ordinance and Ordinance Stores, Provisions and Bedding, and to carry on the Service regularly, I found myself under a Necessity of making the following Nominations until such time as a Regular Staff should be setled for this Garrison, and hope it will meet with His Majesty's most gracious approbation, Viz. *A Fort Major*, to whom I committed the charge of the Ordinance Stores, and distribution of Orders and the Inspection of the Duty of the Garison, having no publick Officer of any kind, *a Fort Adjutant*, to whom I committed the charge of setling the Quarters of such as I was obliged to Billet upon the Inhabitants, to regulate matters with them relating to the Troops, and be assisting to the Fort Major, an Officer of Artilery, who had charge of landing and mounting the Cannon and their Appurtinences, *a master Gunner*, having no Artilery men, with three Soldiers from each Regiment to assist him, *a Barrack Master* who had charge of the Bedding, and receiving the Barracks &ca. from the French Officer, *a Commissary* to receive and issue Provisions, a *Secretary and Deputy Judge Advocate* to assist me in the Civil Administration, and setling Affairs with the French Lieut. Governour, for whom I have only charged to the tenth of November, the time the Commissary of Provisions arived that His Excellency Sir Jeffery Amherst sent here, but are still acting, and I hope His Majesty will confirm such as may be thought necessary. As to myself I cannot assume any Merit but that of having served in the Army almost Twenty four Years, and as I have had the Honour to take Possession of this Country for the Crown of Great Britain, could wish to be considered in the appointments His Majesty may be Pleas'd to Order for this Province.

Among the several Papers herewith inclosed relating to this place, there are two containing an Account of various things with their appraisments (one in French, the other in English) that were found here belonging to the French King, which it was agree'd between Monsr. D'abbadie and myself, should be referred to the two Courts to settle whether or not they were to be paid for, as I apprehended from the words of the Treaty, these things were comprised therein, especially as great part of them belong to the Barracks, and without the Boats, the Troops in this District could not have been Transported to the different Posts, and supply'd from time to time with Provisions.

Upon the Isle Dauphin[1] I am obliged to have a Corporal and Six Men, to assist the Pilot in going off to ships, as by himself he could not get on board, there being no other Inhabitants upon the Isleand to assist him, the French kept Soldiers there for the same purpose, but they kept a large Cannon to give notice to this Town upon any occasion, such as the appearance of a Fleet, or of a ships being in Distress &ca.

I have the Honour to be with the most profound Respect
Sir—Your Most Obedient and most Humble Servant
Robt Farmar
Majr of 34th Regimt

P. S. You will please (Sir) to consider the weak state of the Regiment, particularly as it is believed the Creeks will join the Northern Indians, and commence a War in these Southern parts the last part of that Nation returned back to their own Country before they had finished their Busyness here, and gave out that they were apprehensive of the Ichactaws falling upon their Nation in their absence, but I am informed the Ichactaws are verry Peaceable, and 'tis believ'd the Creeks are preparing expecting the War belt from the Northern Nations.

The Right Hon.ble Welbor Ellis Esqr
His Majestys
Secretary at War

Endorsed No. 1.—Mobille 24th Jan. 1764—Rd. 18th April Do—Major Farmar.

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[1] Called Massacre Island by Iberville. Afterwards changed to Dauphine. An important commercial post under the French. First settlement in the Mobile district.

Copy of the Instructions delivered by Major Farmar of the 34th Regiment, at Mobille, to Mr. James Germany a Trader amongst, and Interpreter for the Creek Nation of Indians, which Instructions were delvered the 10th Januy 1764.

You are to use your utmost endeavour to prevail with the Indians of the Creek Nation to suffer you to live in the Fort at albama,[1] not as taking possession of it for the use of the Kings Troops, but only to preserve it from being distroy'd by Idle people, that in case the Chiefs and principal Men of the Nation should hereafter be desirous to have a Garrison Established there to regulate matters between the Indians and the Traders that may come amongst them, they may have sufficient Quarters to go into without the Kings being put to the Expence of Building a Fort and Barracks, which I am well assured he never will do, if the present Fort is Demolished.

You will take every occasion to use the most Effectual arguments with the Creeks to induce them to live in Friendship with the different Nations of Indians in their Neighbourhood, that they may all enjoy the blessings of the Present Peace so happily brought about amongst the English and French, and all the white People.

If at any time there should French Men come into the Creeks Nation, you are to Examine them, and if they are not provided with a pass from me or the Officer Commanding here, take them into Custody and send them hither

Report to me from time to time, what Progress you have made with the Indians, relative to the first Article of these Instructions, and all Extraordinarys agreeing with the Express, and in your Letter let me know what he is to have.

Robt. Farmar.

Endorsed No. 2.—Instructions to the Indian—Interpreters- —Rd. in Major Farmars—letter of the 24 Jan. 1764

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[1] Fort Toulouse, built by Bienville in 1714; location four miles below Wetumpka, Ala., near the junction of the Coosa and Tallapoosa rivers. It served as the French outpost against English encroachments from Carolina and Georgia. Fort Jackson was built on its ruins in the War of 1812.

Report of the State of Fort Charlotte[1] *(formerly Fort Conde) at Mobille, with the officers Barracks &ca. thereunto belonging the 30th day of Nov*r. *1763.*

The Fort at Mobille is a Square, with four Bastions nearly regular, of about 90 yards each Front, the Scarp wall is built of Brick and is about 16 feet in height from the bottom to the Cordon, the Parapet which is also of brick and very thin, is raised about 4½ feet above the Cordon, all of which want new faceing and painting, the bricks being very much wasted, the Embrazures likewise want repairing; under the Rampart of the Curtains of the three Fronts, are small Casemates Arched with brick, but are very much out of repair and let in Rain, the Rampart having been neglected for some time past were all Covered with Long grass and Shrubs that lodged the Rain, which has very much Destroyed the bricks that cover the tops of the Casemates, and that from the Terre plain of the Rampart, but is now cleared away. The front and side walls of the Casemates want new Facing with brick and pointing, besides doors and window Shutters. Some of the Platforms, the Sleepers being rotten want entirely to be new Laid and others to be repaired with Planks.

The powder Magazine wants repairing and new doors.

There are Barracks within the Fort for about 216 men allowing 12 men for each room the whole in very bad repair & wants to be rebuilt, and enlarged by adding another Storry– There is only one officers room besides the Guard room in the Fort, both in very bad repair.

A Bake-House in the Interior part of the North west Bastion, in brick work, and Oven of the same, entirely useless at present.

There is a Covert way and Glascis round the Fort which is faced with brick and Pallisaded some of the Gates very bad and many of the Pallisades rotten, which together with the rest of the works want to be cleared of brush and Cleaned out.

The Officers Barracks are detached from the Fort about 100 yards, and want a good many Repairs the Floors being mostly rotten, as are many of the windows, they are sash'd but mostly all the panes broke

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[1] Named by the English in honor of Queen Charlotte Sophia, wife of George III.

Two Bake-Houses upon the same Ground in the said Inclosure, Columbage of Brick work Covered with Shingles, One new, with four Ovens of the same in the said bake-house, the other with two Ovens wants Repairing.

The Magazine for the Reception of provisions Constructed in Columbage of Brick Surrounded without with Plank, and Covered with Shingles at the end of which is a mill for Sheeling of Rice, with the other materials belonging to it. The said build:g situated at 325 Toises from the Fort, to the west, from the side of the River.—

Robt. Farmar
Majr of 34th Regimt.

Endorsed No. 3.—Report of the State of—Fort Charlotte, at Mobille—30th November 1763.—in Majr. Farmar's letter of—24th Jany. 1764.

An account of Different Utensils and Bedding Received from His Most Christian Majesty's Store Keeper with their Estimation Mobille November 2d. 1763.

To 65 Good Bedsteds....................	£45	s10	d——
To 11 Indifferent Do....................	4	18	——
To 20 Bad.....Do.....................	4	13	4
To 13 Matress's at 7s..................	4	11	——
To 12 Setts of Curtains.........@4s / 8d	2	16	——
To 21 pair of Sheets............@3 / ꝑ	3	3	——
To 14 Cupboards.........@£2 ,, 6 ,, 8,,	32	13	4
To 27 Large Barrack Tables....@9s / 4d	12	12	——
To 17 Formes.................@7s / ꝑ	5	19	——
To 3 Small Tables...........@4s /8 ꝑ		14	——
To 14 Officers Bedsteds.......@9s /4 ꝑ	6	10	8
To 2 Large Mess Tables.....@10s /8 ꝑ	1	17	4
To 8 Setts of Dogs...........@14s / ꝑ	5	12	——
To 4 pair of Tongs..........@2s /4 ꝑ		9	4
To 4 pair of Fire Shovels.....@2s /4 ꝑ		9	4

	To 12 Chairs................@1s /6 ꝑ		18	—
	To 1 Candlestick....................		1	—
	To 13 Hatchets ....@1s /6ꝑ		19	6
	To 1 Beam & Scales..................	2	6	8
	To 7 Iron Weights ....@4s /2	1	9	2
	To 3 Lead Do ....@8 /8	1	6	—
Bake House	To 6 Large Kneading Troughs @14s /	4	4	
	To 1 Large Copper Kettle bad.......	1	10	
	To 1 Small Beam and Brass Scales. bad..........................	1	8	
	To 1 Large Iron Beam & Wooden. Scales........................	1	12	8
	To a Sett of Iron weights making. 200 lb........................		16	8
	To 4 Pecls Bad...................		4	—
	To a Capstan......................	5	13	4
		£154	17	4

John Henry Lt.
& Qr Mr. 34th Regt.
Nichs. Barwick Qr. Mr.
22nd Regt.

Valluation of the Boats lately, belonging to His Most Christian Majesty by Mr Geo: Blamey Carpenter of His Britannieck Majesty's Ship Stag.—

One Battoe..........................	23	6	8
Major Loftus's Battoe................	14		
5 Large Pettiangers..................	16	6	8
1 Small Do...........................	1	17	4
1 Cannoe.............................		18	8
	£211	6	8

Geoe. Blamey Carpr. of the Stag

Valluation of Smiths Tools Received from His Most Christian Majesty's Store Keeper w.th their Estimation 12th Janry 1764 Vizt.

1 Pair of Bellows	£ 3	10	—
1 Anvill	2	6	8
1 Beackhorn		18	8
2 Vices	2	6	8
3 Hammers	—	7	—
19 Chizells	—	9	4
1 Wimble	—	2	4
2 Handvices	—	14	—
1 Drill	—	1	4¾
1 Small Vice	—	2	4
1 Screw Plate and Pins	—	9	4
1 Pair of Nippers	—	—	11¼
3 Punches	—	1	4¾
1 Drawing Knife	—	2	4
1 Bear's Tongue	—	1	10½
3 pair Tongs	—	3	8¾
1 Hatchet	—	1	10½
	11	19	10½
	£223	6	6½

Nichos. Blackmore }
his
John + Williams } Smiths
mark

Endorsed No. 4.—An account of Utensils &c—Received from H: M: C: Majesty's—Store Keeper wth their Estimation,—November 2d 1763,—in Majr Farmar's letter of—24th Jany 1764.

From Lieutenant Ford at Tombekbe Fort.

Sir

I arrived here on Tuesday morning last about Eleven o'Clock after a verry fateigueing passage of Seventeen days, without the least accident or misfortune, my party being in good health; I surveyed the Fortifications and Buildings the same day, which I found much better then I expected, the Stockade is all whole, but the south Curtain wants a great deal of Reparation, The Powder Magazine is excessively bad, and will never do for that purpose until it is entirely new Built, The Oven, which is a material Article wants a great deal of Repairing; the Interpreters appartment is very bad and must be pulled down and rebuilt, the Shed which is intended for a Store house, wants a great deal of Repairs; The Mens Barracks, Guard House, and Prison in very good Condition. The Grainery and the other Store house Joyning in good Condition, the building for the Officers in good Condition, the House out of the Fort, intended for the Savages, in very good Condition, Ten Pieces of Cannon fit for Service, but the greatest part very old, all their Magazine Stores, I have Returned very bad, except those that were never used, there is three Gates to the Fort, two with Locks and Keys very bad, therefore hope you will be so good as to send some Strong ones for the Garrison Gates, the locks that are on, being very dificult to Lock and unlock, the Gate that Faces the River is but very weak, the Land port Gate is very good, the East and South Curtains, stand upon a Rock, about forty yards in hight, the East defended by a River, and the South by a surprising Ditch, the north and west by a fine Campaign Country, Cleared for two miles every way, I am happy so far, they cannot surprise me any way; an addition of Ten men more would make me very happy, as I should then have ten men for each Bastion: The Country here on both sides of the River is very well Cleared for about a large mile quite round the Fort. The Indians call'd the Ichactaws who are all settled here abouts, are full six thousand Strong, they have a large Town within Musquet Shot of the Fort; the Commandant and M^r Baurans have behaved Excessive politely, and gave me all the Information that lay in their power, they give the Chief and his Son a very bad Character, and not in the least to be depended upon, but Strongly advise me to keep in with him if possible, as he has great sway amongst the whole; but he is either out a hunting, or at Mobille.

The Officers and men were entirely out of provisions, I was requested by the Commandant to let him have one hundred pounds of Pork, and the same quantity of Beef, to serve them on the passage to Mobille, the Commandant has let me have all the Cattle he had here which is four Cows, a Bull and a Calf, at the same price you mentioned, at first he did not seem satisfyed, until I told him that I was of opinion the French Commandant at Mobille had informed you that was the value; their behaviour to me has been excessive Genteel, I'm sorry it was not in my power to Return it, they inform me that I must make presents of what goods you have sent with me, to the Indians, as they will expect it, and that I shall be under the necessity of giving them powder and Shot, as the hunting season is coming on.

Here is a German Discharged from the French service, he has been in this Nation this Twenty years, and is Married among them, whom I have engaged to stay at a Dollar ℔ week and his provisions, until I hear from you, the Commandant of the French Troops gives him a very good Character, there is not one French Inhabitant here and only the German afore mentioned, and a young Gentlemen who was a Cadet in the French Service, and has been in the Ichactaw Nation some years, he understands the Language very well, and would be glad to be employed by the English Government as an Interpreter, I informed him it was not in my power to employ him, but informed him that I would acquaint you with his proposal.

The Bread is above one half Dust, but the Beef, Pork, and other Species are good, I have inclosed a Return to Capt. Farmar of the provisions expended, and what is remaining in the Store.

I was obliged to make use of my Twenty Gallons of rum, for without it the poor men would never have been able to have rowed up to the Fort, as I did not halt one day the whole passage.

The French Commandant has been at the expence of building a pigeon house, for which he thinks he has a right to expect payment but that I leave you to settle with him, as likewise a Closet eight feet high, and five feet broad, two large Chairs, and a round Table which are his own property, which he expects paymt for. There is a small building built at the expence of one of the Serjeants in Columbage, thirty feet long, and and thirteen broad, with four windows and two doors in good Condition within the Fort, another small Building belonging to one of the private men built as the first, and at his own expence within the Fort, nineteen feet long, and Twelve feet broad in good Condition, for which they expect payment. Three Gardens without the Fort, made and stockaded at the Soldiers expence, with plenty of Vegitables, which they think they have a right to be payed for, One of the private men has been at the expence of Thirty Dollars in making a very good Garden which is full of Vegitables and well Stockaded, he has likewise left seeds of all kinds for the men to sow in the Spring, and plenty of Indian Corn, you will please to be so good as to let this man be paid, if I am obliged to pay it myself, Mr. Baurans who speaks English, is to acquaint the French Soldiers whether they are to be paid or not.

Captain Farmar must excuse my not sending a return this opportunity, as I have not time enough to finish yours, as the Gentlemen are now waiting.

I am
Sir
Your most Obedt & most humble Servt
Thos Ford
Lt 34th Regt

Tombekbe Fort
24th Novembr 1763

N. B. The French sowed both Barley and Oats last year which came to great perfection.—
Endorsed No. 5.—Copy of a Letter from Lt—Ford at Tombekle Fort.—24th November 1763.—in Majr Farmar's letter—of 24th Jany 1764

Names of Villages, Chiefs and No. of Inhabitants of the Tchacta Nation.

TCHACTAS

Noms des Villages des differentes parties de la nation Tchactas, des Chefes auxquels on donne des presentes Particuliers et le nombre des guerriers auxquelles on donne des presentes dans Chaque Village[1]

Sçavoir[2]
Partie de Lest[3]

1 Atakabé olakta....present particulier[4] (when the presents come)
14 Oliktachaes
1 Sanimingo......present particulier[4]
Mingo Emita 29 Bouktouclouchito — appointed head man of this named, Tchata Olata Mingo,—a Gorget
14 Chichatalya
17 Abekaes de La Est[5]
8 Ebitipougoulaskatamié
5 Conchaktekpé
11 Itéochakko
7 Ossapaissa
10 Loukseata
17 Yaroux de L'Est[6]
25 Ebitipougoulachito
Mingo hommir 13 Immongoulachaskatanne
11 Tombekbe
Lahonkoolacta 14 Thomé et naniabaes[7]

197

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[1] Names of Villages of the different territories of the Tchacta Nation, Chiefs whom they give of the private presents and the number of warriors whom they give of the presents in the Chaque Village

[2] To-wit.

[3] Eastern Territory

[4] Private present.

[5] Abekaes of the East.

[6] Yaroux of the East.

[7] Thomé and naniabaes

Partie de L'ouest[1]

Sçavoir[2] { when the presents arrive Gorgets for all the Captains

1 Alibamon mingo—prest. particulier[3]
35 Conchaes
18 Okéloussaes
19 Ayanabé
3 Choumontakale
6 Onatonloula
5 Panthés
5 Abissa
3 Bouksalaya
6 Conchabouloukta
1 Capitaine Toboka—present particulier[3]
10 Yaroux de L'ouest[4]
21 Immongoulacha
10 Casstaches
12 Toussanna
8 Kasatalaya
5 Abekaes
17 Ossapatchito
4 Okehaneatamaha
5 Oksaktalaya

Friends to the English {
1 Mingo Ouma—present particulier[3]
2 Okeoullou
7 Onny

3 Thanke
14 Itétchipouta

221

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[1] Western Territory.
[2] To-wit.
[3] Private present.
[4] Yaroux of the West.

Partie des Six Villages.[1]

Sçavoir[2]

37 Tchikachahé
15 Eouanné
20 Natchoubaouenia
27 Oskelagana
16 Tala
Lamatly mingo 28 Séneachaes
8 Talpa Etoka
7 Thelibatcha
4 Pouscouch Jacale
12 Bouktoucoulouxy
6 Beyacha
1 Pahe—ouma present particulier[3]
4 Oktakchitotamaha

Endorsed No 6,—Names of the Villages,—Chiefs, and the No of Inhabitants—of the Tchacta nation who—Received presents from the—French—in Majr Farmar's letter of—24th Jany 1764

List of French Presents.

A List of the Presents that have been given Anually by the French, to the Indians of the Tchacta Nation in Louisiana, and who are now become His Britanick Majesty's Subjects. Mobille First December 1763. Vizt.

Trimed wth Gold or silver Twist Buttons } A scarlet Coat
Waistcoat & Breeches

Broad Tinsel laced Hats
Large Feathers different Colours for Do.
Plain Hats wth Feathers

hand Hatchets
Howes
Brass Kettles different sizes.
Brass Wire different sizes.
Iron Do

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[1] Six-Village Territory.

[2] To-wit.

[3] Private present.

Red, Blue & White Blankets
Blue & Scarlet Legins & Flaps
Shoes
Stockings
Ruffled Shirts
Plain Do
Knives
Do. Clasped
Scissars
Combes
Steels for striking Fire
Guns
Powder
Ball
Flints
Worms
Small Axes

Brass, & White Mettel shoe—Buckles
Needles
Sewing Thread
Awl's
Looking Glasses
Scarlet Gartering
Belts of Leather work'd
Beads
Paint of different Colours—particularly Vermilion
Salt
Rum

For the Women
Shifts
Calicoe Petticoats
Cotton & Linnen Handkerchiefs

N. B. Six of the great and small Medals, have each of them every Article here inserted, & all the Capt^s have Coats, hats & Feathers, with all the other Articles except Ruffled Shirts, Shoes, Stockings & Shoe Buckles.

Rob^t Farmar
Maj^r of 34th Regm^t

Endorsed No. 7.—List of the French Anuall—Presents to the Tchacta Nation—of Indians.—(Copyd)—in Maj^r Farmar's letter of—24th Jan^y 1764

State of the Revenue of Louisiana, with Appointments Civil and Military, whilst under the French Government.

,,No Duties of any kind payed — Livres

,,Monsr. Develle's allowance as Kings Lieutenant — 1800

,, Do as a gratification — 1200

,,Got by the Savages, on account of Beef, Bread, Sugar &c 1000 French Crowns

,,Everything broke by them Charged to the King

,,Paid for a horse, fire, and Candle, & allowed for a Secretary

,,A Fort Major

,,A Fort Adjutant

,,The Commissarys Sallary 1000 French Crowns, allowed three Clerks, a house, wood and Candle, besides other perquisites & two Servants—

,,Kings Procurator, 1000 Crowns, but there has not been one at Mobille for some years past.

,,A Register. . . . . ,,A Publick Notary . ,,A Treasurer	Sallary 100 Pistoles, all Center in the Storekeeper

,,A Town Cryer, five Livres each time

Interpreter £25 a year and Flour. The French had three Interpreters to the Tchacta Nation only, at the late Congress.

,,Inhabitants in the Town about 350.

,,Troops in the Town, kept by the French, five Companies, when Compleat fifty men each, and 100 Swiss.

,,His Most Christian Majesty gives his Troops no extraordinary allowance, except when they were sent on Duty between the different Posts, he then allowed Beef and Bread.

,,The Commanding Officers in the different Posts, Charge the Beef and Bread given to the Savages, to the King, and included what they made use of themselves.

,,The Inhabitants from what I can learn intend mostly to leave this place.

Robt Farmar
Majr of 34th Regimt

Endorsed No. 8.—State of the Revenue of—Louisiana &c—in Majr Farmar's letter of—24th Jany 1764.

The Produce of the Country.

ACCOUNT, of the Produce of His Majesty's Province of Louisiana, that is at present known. Viz^{t}:

Wood of several kinds but mostly Firrs, Cypress, Myrtle, Oak and Wallnut near Mobille.
Deer Skins
Indico the Herb
Pitch and Tarr
Tallow and Hides
Sassafars
Some brick are made here, but not verry good

Fruit	Oranges . . . Pomegranates Apples Pears Peaches. . . .	Not in plenty

Roots	Sweet Potatoes. . . . . Turneps & Radishes All kinds of Garden Greens Pulse and Artichokes .	The Country will produce these Vegitables, but they are verry scarce at present, the French having neglected their Gardens.

At present there is no grain except Indian Corn Cultivated in the Vicinity of this Place.

The North Posts up at Illinoies, produce all kind of Europian Grain, and Grapes whereof they make Wine, but this Country Lies five hundred Leagues from hence, being obliged to go by New Orleans, there being no other Communication by Water.

In the Vicinity of Mobille, there is about Ten Familys that will remain upon their Settlements, all the rest seem determin'd to Imigrate.—The French only account for ninety eight Familys in this District.

Rob^{t} Farmar
Maj^{r} of 34th Regim^{t}

Endorsed No. 9.—Account of the Produce—of the Country near Mobille.—in Maj^{r} Farmar's letter of—24th Jan^{y} 1764.

Names of Staff Officers.

A List of Major Farmars Nomination of Officers to act as undermentioned, at Mobille, the 20th September 1763.—

Capt. John Farmar	22d Regiment Fort Major
Capt John Lind	34th Regiment Fort Adjutant
Lieut Lancelot Hilton	34th Regiment Deputy Judge Advocate by Deputation from the Judge Advocate General
Lieut Lindsey	22d Regiment Artillery Officer charged with Landing and Mounting the Cannon.
Lieut John Henry	34th Regiment Barrack Master charged with Landing the Bedding and Barrack Utensils.
Capt John Farmar	Ordnance Store keeper
Capt John Lind	Surveyor of the Works having no Engineer
Lieut Lancelot Hilton	Secretary
Mr. Richd Power	Commissary of Provisions
Edward Burt	Master Gunner
Serjt Will: Kendrick	Port Serjeant

Octor 8th

Peter Reed French Interpreter

Novr 1st

James Germany Interpreter to the Creek Indians

Do 22d

An Interpreter for the Tchactas at Tombekbe Name unknown.

Do 5th

John Buckles Interpreter to the Chactas at the Congress.

Robt Farmar
Majr of 34th Regimt.

Endorsed No. 10.—List of Major Farmar's—Nomination of Officers to act—on the Staff at Mobille.—in Majr Farmar's letter of—24th Jany 1764.

From Major Farmar to Mons. Develle.[1]

Sir

Being honoured with the Commands of the King my master, to take possession of that part of Louisiana Ceded to the Crown of Great Britain by the Late Definitive Treaty, I have in consequence thereof, sent the bearer, John Lind Esq^{r} Captain in His Britannick Majesty's Army, to Adjust all such matters as may be necessary and concert the most effectual means of Relieving the Troops of His Most Christian Majesty, that at present Occupy the Forts, Posts &c. on the East side of the River Mississippi; who is possessed of the Orders from the Court of France for that purpose,

I have further to desire the favour you will not suffer any English Subjects to make purchases of Lands &c, as such a Step may in the Event prove prejudicial to His Most Christian Majesty's Subjects, whom it would give me concern to see disapointed, and perhaps deprived of their property without receiving and equivolent for it; For I cannot admit of any Purchases, or sale of real Estates to be Valid that are made before possession is taken by His Britannick Majesty's Troops, and my concent obtained.

I have the honour to be with much respect
Sir
Your most obedient and
most humble Servant

To the Officers Commanding the
French Troops at Mobille dated
on Board His Britannick Majesty's
Ship Stag, 21st September 1763

Endorsed No. 11.—Major Farmar's Letter to—Mons^{r} Develle to Adjust the—Relieving of Mobilce.—in Maj^{r} Farmar's letter of —24th Jan^{y} 1764

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[1] Captain Pierre Nicolos Annibel Chevalier, Sieur De Ville. Long in the service of the French King in Louisiana. In command at Mobile.

From Mons. Develle to Major Farmar.

Mobille 14th October 1763

Sir

I have just now received Mr De Kerlerce's Letter by means of it Mr Lind, who arrived the night of the 13th or 14th of this Month; Mr De Kerlerce informs me, that he had the Honour to write to you, and hopes that you will put of (at the request he has made to you) your departure and that of your Troops for Mobille, until the arrival of Mr. Dabbadie.

If you except of this favour (which he hopes you will) I hope it will be no obstakle to the pleasure I have in seeing you here, and in expectation of the Transports with the Troops, you will be more at ease, and may equally give your orders, when there shall be occasion for the Evacuation

Sir—I have the Honour to be most truly
Your most humble & most Obedt Servt
Develle

If you take the resolution to come here without your Troops, I pray you to hoist at the Main Mast of your Vessel a Square Ensign of the Colour of your Nation.

Endorsed No. 12.—Monsr Devell's Letter—to Majr Farmar dated—14th October 1763.—in Majr Farmar's letter of—24th Jany 1764

From Mons. Dabbadie[1] *to Major Farmar.*

New Orleans 4th October 1763.

Sir

Monsr de Kerlerce has communicated to me, the answer which he had the Honour to make to the Letter which was remitted from you by Capt: Lind, he has given his orders to the Commander at Mobille, for to deliver up to you that Post, and all those depending thereon, when you think proper to take possession.

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[1] Royal director-general at New Orleans exercising the powers of intendant and governor over Louisiana until the occupation of the Spaniards.

But before that (Sir) I believe it essential for our reciprocal Tranquillity, to make known to you some particular orders which M^{r} Lind will explain to you, and which order you will be a better Judge of, by the orders which I have given him. We owe for several years past to the Chaktaw and Alibamous nations, who are actually on your possessions, yearly presents, which were accustomed to make them, we should have already acquitted ourselves towards them, had it not been for our waiting for your Arrival, for to make known to these Nations, that for the time to come, Tyed together in friendship, it is our will that the same Sentiments subsist between them and us, this is (Sir) the most essential point to be consulted upon.

By these dispositions which I have taken, I have fixed the assembly of the Indian Nations at Mobille, the first of November, and I will be there some days before, it is much to be wished for, that you would not take possession before that time. Every thing shall be so disposed of, that the French and English Garrison should not meet, in order to avoid the almost Inevitable troubles in such Circumstances.

This is (Sir) the two principle points which I have the Honour to Impart to you. I am persuaded that you will be kind anough to Communicate to me your Reflections on this Subject, Mons^{r} Aubry Commanding Officer of the Troops in this Colony, will be at Mobille the 15th or 20th of this Month, he is Instructed as well as I am, with all the necessary Steps that ought to be taken, and he will be more at hand to Commune with you.

I offer to you (Sir) with the utmost Sincerity & Pleasure all the good Offices that depends upon me here, I have charged Captain Lind to assure you of it from me. I have the Honour to be with Sentiments of the greatest Esteem & Consideration

Sir

Your most Humble and most Obed^{t} Servant

Dabbadie

Endorsed No. 13.—Mons^{r} Dabbadie's letter—to Maj^{r} Farmar dated 4th October 1763—in Maj^{r} Farmar's letter of—24th Jan^{y} 1764

From Major Farmar to Mons. Dabbadie.

Sir

It gives me the utmost concern to be under the necessity of addressing myself in this manner to a person distinguished as you are by your Sovereign, to Transact affairs for him in this part of the World.

You seem to have mistaken the Character in which you are here present, and in which you ought to consider yourself, that is, being permitted by me to come into, and remain in this Government belonging to His Britanick Majesty, in order to Transact such affairs for His Most Christian Majesty, as you are Charged with, I say permitted, because I know of no Article in the Treaty of Peace, by which you are Authorized to Act here in a publick Character. Notwithstanding you have taken upon you to give directions to the Inhabitants of this Government, Contrary to my express orders to them. I presume if you will reflect a little, it will appear verry evident to you, that no Subject of His Most Christian Majesty, has any right to give orders to the Inhabitants of this Governmt, it being now in the possession of His Britannick Majesty, and under my Command.

You will likewise please to observe, that by the Seventh Article of the Treaty of Peace, it is expressly said, that the Most Christian King Cedes to His Britannick Majesty, every thing he possesses or Ought to possess on the Left side the River Mississippi (Orleans excepted) Notwithstanding this, you have sold the Boats that formerly belonged to His Most Christian Majesty, and which I am sorry to say, have been Concealed from me, in a manner the most unjustifiable.

I must further beg leave to assure you, that if I can discover that anything is disposed of in this Governm^{t} that formerly belonged to His Most Christian Majesty, I shall not only seize upon whatever it may be, but shall in Justice to the Inhabitants, or purchasers (if I find he has been induced to make the purchase or purchases, by your assuming a Character here, that you are not in the least intitled to) Insist on the reimbursement of the money or other consideration given for it.

Whatever your orders may be from the Court of France, your acting here in this manner after the publication of my manefesto, is by no means agreable to me, or consistant with the Honour of the King my Master, and to avoid mistakes of this kind for the future I must desire that you will disist from Issuing any orders or acts of authority to the Inhabitants of this Government.

As Monsr Dabbadie I esteem and honour you, therefore hope nothing of the kind will happen for the future that may in the least Diminish the regard with which I am

Sir
Your most obedt &
most Humble Servt
Robt Farmar

Mobill
9th November
1763.

Endorsed No 14.—Major Farmar's Letter—to Monsr Dabbadie—in Majr Farmar's letter of—24th Jany 1764

Extract of a Letter from Lieut. Forde at Tombeckbe Fort 3d Decr 1763

Sir

I have sent sooner then I intended, as this opportunity offered, the Bearer (an Indian) being recommended to me for a verry honest man. Since the French Troops left the Fort I have Inspected every part of it with the greatest Strictness and attention, I have measured the Circumference, and likewise the inside of the Fort, which I have sent you, and which is as exact as possible.

	Foot
East Face	173
West Face	278
North Face	231
South Face	304
Total Circumference	986

N B The above is measured by a Line in, and out, according to the Direction of the Works.

Height of the Stockade on the Land Side.	Foot
Land Port Gate	13
Curtains	10

The Stockades of these Faces, in verry good Condition. The East and South Curtains not so high but verry well defended by the Rock, Stockades in bad Condition.

The East Curtain which Faces the River, the Rock is about 24 yards high, and allmost perpendicular, the South Curtain which faces the Gully, the Rock (I believe) may be about 40 yards high. From the South Gate to the brink of the River is 240 Foot.

The Major part of the Locks in verry bad Condition,—especially those of the two principal Gates. The Banquets are in bad Condition.

I am in great distress for wheels for some of the Cannon Carriages, for wheelbarrows, & Iron bolts to support the Cannon firm upon the Carriages.

If the old Brass Swivels were replaced by good ones it would be of Infinite service, as they would Flank the Curtains about the hight of the knee, which none of the Cannon upon the Bastion do.

The spare Six pounder that was useless on the Parade I have cut for it a small Port hole through the North Port Gate which if necessity requires will do great execution with Grape Shot.

I have made up a Thousand Musquet Cartridges, which I hope will do for the present, and have made plenty of wadding for the Cannon.

I must observe to you in a particular manner, that the Rock above mentioned decays greatly after heavy Rains, and will continue so to do, if not defended either by a Brick or Stone wall and proper water Courses to Convey heavy Rains out of the Fort, and as Clear of the Rock as possible; if the War had continued the French intended to have repaired it the Ensuing Summer, and had broke up four Lime Pitts for that purpose.

This day I had two Indian Traders and three of the Chief Savages of a Nation called Youghsers,[1] the name of the Chief is

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[1] This probably refers to the Yazoo Indians, a tribe located on the Yazoo river near the present city of Vicksburg

Red Shoes, they live about One hundred miles from the Fort to the Westward, and within one League of the Six Nations, these Indians have allways been in our Interest, are at present at War with the Chickasaws, and are verry Inveterate against the French, the Chief of them told me they should allways have two or three of their Nation among the Chactaws, and they would let me know whether their talk was good or bad, he said he had been sent for by the French to receive presents, but that neither he or any of his people would go, which the Interpreter told me was true.

I am under the greatest necessity of giving Bread and Meat to these Indians who come so far off, they generally stay one or two nights, and what will be the Consequence, when all the Districts arround Come from Mobille, and from hunting, there is not a day since I have been here, but my room has been full of them from the time the Gates are open until Sun Set.

The French have accustomed the Chiefs of Grand Medals to Dine with them, which obliges me to keep up that Custom.

The Bread is excessive bad, no Bread in the world deserves Condemnation more Justly, which makes my men murmer, and me verry unhappy as I cannot make it better.

It would certainly be necessary to have a Month or Six weeks provision at least, for should the savages chose to attack us, all the Battoes in the Country could not give us the least assistance, as forty men could dispute the Passage against an Army up the River, without exposing themselves in the least. We are greatly in want of a Grinding Stone, Chisel, and Gouge—likewise some Garden Seeds for the mens Garden against Spring.

Endorsed No. 15.—Extract of Lieut Ford's letter—from Tombeckbe Fort.—3d December 1763.—in Majr Farmar's letter—of 24th Jany 1764.

From Mons. Kerlerec[1] to Major Farmar.

Sir

Incertain of the time you have fixed to take possession of the Post of Mobille, and Country adjacent, we will refer on our side all the provisional acts which relate to this operation.

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[1] The French governor of Louisiana.

This consideration on our side is in a great measure owing to the movements which the Savages pretend to make for to oppose you, if at least one may believe their designs.

M^r^ De Kerlerce Governor who has administered during Eleven years Successivly, the Savage parts, thinks (Gentlemen) that its of the utmost Consequence for the keeping up of the good inteligence, between the Kings of France and England, and for the Surety and Tranquility of the Subjects of the two Crowns, and in short by every means which might Contribute to render our administeration quiet. That you will take the trouble to come to New Orleans, and by the most wise reflections, which we will Consert, the respective conduct we ought to hold for to prevent the ends above explained, and to make known to the Indians, the forced dependence, and the necessity in which our common Intrest ought to keep them.

We desire with earnestness (Gentlemen) that you take this resolution, because Independent of the good which cannot fail of flowing from it for the Service of our Soveraignes, we will have the Satisfaction of receiving you in the best manner we can and to convince you of the Strong desire which we have to bind us more and to Cement the ties of friendship so usefull to the Intrest of the two Monarchies, and so necessary for the Tranquility of the people. Messrs. Develle and Fazend, Commander and Commissary at Mobille, has order to furnish you with every thing necessary depending on their Department, that is to say if you don't love better to make use of your own Carriages, after demanding of them the usual Customs.

We have the honour to be with Sentiment the most distinguished.

Sir—Your most humble
and most obed^t^ Servants
Kerlerce

New Orleans
5^th^ July 1763

Endorsed No. 16.—Translation of Mons^r^—Kerlerce's Letter to Major—Farmar—in Maj^r^ Farmar's letter of—24^th^ Jan^y^ 1764

Effects and Utensils of the French, at Mobile.

(*French Version.*)

La Mobile
1763

Etat des effets et utenciles appartenans à Sa Majesté trés Chretienne qui se Sont trouvés dans les Magasins et autres Bastimens de la Mobile lesquels ont eté appréciés, et cedés à M. Robert Farmar Commandant pour Sa Majesté Britannique audit poste de la Mobile, le tout ainsi qu'il suit,

Sçavoir
dans le fort
au grand Corps de Garde

une grande Table de Madriers de trois pouces d'epaisseur, vingt livres	20,,	,,s	,,
deux Baucs de Madriers d'un pouce et demi a dix Livres	20,,	,,	,,
une paire de Chenets, Treute Livres	30,,	,,	,,
une paire de Tenailles à fue, douze livres dix Sols	12,,	10,,	,,
un Fanal Pique, Sept livres dix Sols	7,,	10,,	,,
une pelle Béche Cinq Livres	5,,	,,	,,
deux Séaux cerclés de Fer, à Sept livres dix sols piéce	15,,	,,	,,
une hache, dix Livres	10,,	,,	,,
une petite Armoire de cipre de deux pieds de haut, vingt—cinq livres	25,,	,,	,,
une Lampe de Cuivre, cinq livres	5,,	,,	,,
une paire de Menottes, Sept livres dix Sols	7,,	10,,	,,
une Pot de Ter-blanc pour l'huile, deux livres dix sols	2,,	10,,	,,

L'autre part
dans la Chambre de l'officier de Garde

une Couchette à Quenouille garnie de Tringles de Fer, quarante livres	40,,	,,	,,
une Moustiquaire de Toile canevas trente-cinq livres	35,,	,,	,,
un Matelas de Barbe Espagnole garni de Toile vingt-cinq Livres	25,,	,,	,,

Effects and Utensils of the French, at Mobile.

(*English Translation.*)

Mobile
1763

Statement of the effects and utensils belonging to His most Christian Majesty which are to be found in the Warehouses and other Buildings of Mobile which have been appraised and made over to Mr. Robert Farmar Commander for His Britannick Majesty at said post of Mobile, the whole in the manner which follows,

To wit
in the centre
of the large Guard-Room

one large Madrier Board, three inches thick, twenty pounds	20,,	,,s	,,
two Madrier Beams, one and one half inches, at ten pounds	20,,	,,	,,
one pair Fire-dogs, thirty pounds	30,,	,,	,,
one pair Smith's Tongs, twelve pounds ten shillings	12,,	10,,	,,
one Beacon Staff, seven pounds ten shillings	7,,	10,,	,,
one Grafting spade, five pounds	5,,	,,	,,
two Iron bound Buckets, at seven pounds ten shillings each	15,,	,,	,,
one axe, ten pounds	10,,	,,	,,
one small cypress cup-board, two feet high, twenty-five pounds	25,,	,,	,,
one copper Lamp, five pounds	5,,	,,	,,
one pair Hand-cuffs, seven pounds ten shillings	7,,	10,,	,,
[1]one Tin Jug for oil, two pounds ten shillings	2,,	10,,	,,

Carried forward

in the Quarters of the officer on Guard

one small Distaff Bedstead fitted with Iron Curtain Rods, forty pounds	40,,	,,	,,
one Canvas cloth Musquito-bar, thirty-five pounds	35,,	,,	,,
one Spanish Hair Mattress trimmed with Cloth, twenty-five pounds	25,,	,,	,,

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[1] "Ter-blanc" is obviously a misprint, and should be "Fer-Blanc," which means Tin.

(*French Version.*)

un Traversin de Barbe Espagnole garni de Toile Trois Livres	3,,	,,	,,
une Table à Tiroir, vingt-Cinq Livres	25,,	,,	,,
deux chaises, a cinq Livres piéce	10,,	,,	,,
un Chandellier de Cuivre, cinq Livres	5,,	,,	,,
une paire de Chenets, Trente Livres	30,,	,,	,,
dans les Chambres des Soldats			
vingt-une vieilles Couchettes à dix Livres piéce	210,,	,,	,,
onze Tables de Casernes de Madriers de deux Pouces d'epaisseur, à dix Livres piéce	110,,	,,	,,
Dans le quartier neuf			
dans une Chambre d'officier, No. 1			
deux Couchettes à quenouilles à trente-cinq Livres piéce	70,,	,,	,,
dans une autre No. 2.			
une Couchette neuve, pour Trente-cinq Livres	35,,	,,	,,
dans une autre No. 5.			
une paire de Chenets de Fer une paire de Pincettes une Pelle à Feu pour quarante Livres	40,,	,,	,,
Ci-Contre			
dans une autre No. 7			
une Armoire de Bois de Cipre a deux Battans fermant à clef de six pieds et demi de haut et quatre pieds de large, pour Cinquante-cinq Livres	55,,	,,	,,
une vieille Table à Tiroir, pour cinq Livres	5,,	,,	,,
dans une autre No. 8			
deux Armoires de Bois de Cipre, à deux Battans fermant à clef, à Cinquante cinq Livres piéce	110,,	,,	,,
deux Couchettes neuves a trente-cinq Livres piéce	70,,	,,	,,
deux Tables a Tiroir, à vingt-cinq Livres piéce	50,,	,,	,,
un S'eau Cerclé de Fer, pour sept livres dix sols	7,,	10	,,
une Chaise, pour cinq Livres	5,,	,,	,,

(English Translation.)

one Spanish Hair Bolster Cloth trimmed, three pounds	3,,	”	”
one Drawer Table, twenty-five pounds	25,,	”	”
two chairs at five pounds each	10,,	”	”
one Copper Candlestick, five pounds	5,,	”	”
one pair Fire-dogs, thirty pounds	30,,	”	”
in the Soldiers Quarters			
twenty-one old small Bedsteads at ten pounds each	210,,	”	”
eleven Barracks Madrier Boards two inches thick, at ten pounds each	110,,	”	”
In the new "Quartier"[1]			
in an officer's quarters, No. 1			
two Distaff small Bedsteads, at thirty-five pounds each	70,,	”	”
In another one, No. 2			
one new small Bedstead, for thirty-five pounds	35,,	”	”
In another one, No. 5			
one pair Iron Fire-dogs one pair of Tongs one Fire Shovel } for forty pounds	40,,	”	”
Brought forward			
In another one No. 7			
one Cypress Wood two-leaved Cupboard with lock and key, six and one half feet high and four feet wide, for fifty-five pounds	55,,	”	”
one old Drawer Table, for five pounds	5,,	”	”
In another one No. 8			
two Cypress Wood, two-leaved Cup-boards with lock and key, at fifty-five pounds each	110,,	”	”
two new small Bedsteads at thirty-five pounds each	70,,	”	”
two Drawer Tables, at twenty-five pounds each	50,,	”	”
one Iron Bound Bucket, for seven pounds ten shillings	7,,	10,,	”
one Chair, for five pounds	5,,	”	”

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[1] "Quartier." Our present day Armory is the nearest approximation thereto.

(*French Version.*)

une paire de Chenets une pair de Pincettes une pelle à Feu	pour quarante Livres	40,,	,, ,,

Dans deux autres Nos. 10. et 11.

deux grandes Tables de madriers de deux pouces et demi d'epaisseur, à quarante Livres piéce	80,,	,, ,,
deux Couchettes neuves, a Trente-cinq Livres piéce	70,,	,, ,,
deux Tables à Tiroir, à vingt-cinq Livres piéce	50,,	,, ,,
une idem avec Traiteaux, pour vingt Livres	20,,	,, ,,
un Matelas de Barbe Espagnole garni de Toile	25,,	,, ,,
une Armoire de Cipre fermant à Clef, cinquante-cinq livres	55,,	,, ,,
une paire de Chenets une paire de Pincettes une pelle à feu pour quarante Livres	40,,	,, ,,

Lautre part

deux Chaises, à cinq Livres piéce	10,,	,, ,,

dans une autre No. 16.

Trente six Couchettes neuves, à Trente-cinq Livres piéce	1260,,	,, ,,
dix idem non foncies, a Trente Livres piéce	300,,	,, ,,
Treize idem vieilles, à dix Livres piéce	130,,	,, ,,
deux grandes Tables de Madriers, à quarante Livres pce	80,,	,, ,,
dix sept Bancs de Madriers d'un pouce et demi d'epaisseur, a Trente Livres piéce	510,,	,, ,,
deux paires de Chenets, a Trente Livres la paire	60,,	,, ,,
une paire de Pincettes, pour dix Livres	10,,	,, ,,
deux grandes Tables à Traiteaux de vingt Couverts chaque, sans Traiteaux à Cinquante Livres pce	100,,	,, ,,

delivré des Magasins du Roi le 28.8 bre 1763.

dix bonnes Couchettes, à vingt livres piéce	200,,	,, ,,
Trois vieilles idem, à dix Livres	30,,	,, ,,
Cinq Tables, à quinze Livres	75,,	,, ,,
quatre Bancs, à vingt Livres	80,,	,, ,,

(English Translation.)

one pair of Fire-dogs one pair of Tongs one fire shovel } for forty pounds...	40,,	”	”
in two others Nos. 10 & 11			
two large Madrier Boards, two and one half inches thick, at forty pounds each	80,,	”	”
two new small Bedsteads, at thirty-five pounds each	70,,	”	”
two Drawer Tables, at twenty-five pounds each	50,,	”	”
one ditto. with "Traiteaux"[1] for twenty pounds	20,,	”	”
one Spanish Hair Mattress, trimmed with Cloth	25,,	”	”
one Cypress Cupboard with lock and key, fifty-five pounds	55,,	”	”
one pair of Fire-dogs one Fire shovel one pair of Tongs } for forty pounds.....	40,,	”	”
Carried forward			
two Chairs, at five pounds each	10,,	”	”
in another one No. 16			
thirty-six new small Bedsteads, at thirty-five pounds each	1260,,	”	”
ten ditto. without bottoms at thirty pounds each	300,,	”	”
thirteen ditto. old, at ten pounds each	130,,	”	”
two large Madrier Boards, at forty pounds each	80,,	”	”
seventeen Madrier Benches, one and one half inches thick, at thirty pounds each	510,,	”	”
two pair of Fire-dogs, at thirty pounds per pair	60,,	”	”
one pair of Tongs, for ten pounds	10,,	”	”
two large twenty-Cover Mess Tables, without "Traiteaux"[1] at fifty pounds each	100,,	”	”
delivered from the King's Warehouse the 28th. of October, 1763.			
ten small Bedsteads in good order, at twenty pounds each	200,,	”	”
three old ditto, at ten pounds	30,,	”	”
five Tables, at fifteen pounds	75,,	”	”
four Benches, at twenty pounds	80,,	”	”

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[1] We are unable to translate the word "Traiteaux," none of the dictionaries giving it, neither the references we have consulted.

(*French Version.*)

Trois Armoires à deux Battans à Cinq te cinq Livres pce	165,,	,,	,,
une vieille Table à quadrille, pour quinze Livres	15,,	,,	,,
une idem a Tiroir, pour vingt Livres	20,,	,,	,,
quatre paires de Chenets ou Crapauds, à vingt-cinq	100,,	,,	,,
❋ { Cinq Pelles à Feu, à cinq Livres	25,,	,,	,,
deux Pincettes idem, à dix Livres	20,,	,,	,,
À l'hopital			
Seize Couchettes a quenouilles, à quarante Livres pce	640,,	,,	,,
Ci Contre			
Trieze Matelas de Barbe Espagnole couverts de Toile, a vingt livres	260,,	,,	,,
douze Berts de Toile, a Trente Livres	360,,	,,	,,
deux grandes Armoires de Cipre à deux Battans de huit pieds de hauteur et quatre et demi de largeur, fermant à Clef, à deux cens Livres pce	400,,	,,	,,
un Buffet idem, pour Deux cens Cinquante Livres	250,,	,,	,,
vingt une paires de Draps de Toile à demi usés, à quinze Livres la paire	315,,	,,	,,
vingt une vieilles Couvertes Espagnoles, à cinq Livres	105,,	,,	,,
Restant au Magasin			
quatre grandes armoires de Cipre à deux battans fermant à Clef de huit pieds de haut sur quatre et demi de large, à deux cens Livres piéce	800,,	,,	,,
une idem de sept pieds et demi de haut sur trois de large, fermant idem, pour cent cinquante Livres	150,,	,,	,,
une grande Table à Traiteaux de six pieds et demi de long sur trois et demi de large, vingt cinq Livres	25,,	,,	,,
deux petites Tables à Tiroir de Bois de Cipre à quinze Livres piéce	30,,	,,	,,
un Fleau de Fer avec ses Plateaux de bois à chaine de Fer, cent Livres	100,,	,,	,,
deux grands Bancs de Madriers de quinze pieds de long, a Trente Livres piéce	60,,	,,	,,

(*English Translation.*)

three two-leaved Cup-boards, at fifty-five pounds each	165,,	”	”
one old Card Table, for fifteen pounds	15,,	”	”
one Drawer ditto, for twenty pounds	20,,	”	”
four pair of Fire-dogs or Grates, at twenty-five	100,,	”	”
five Fire Shovels, at five pounds	25,,	”	”
two ditto, Tongs, at ten pounds	20,,	”	”
In the Hospital			
sixteen small distaff Bedsteads, at forty pounds	640,,	”	”
Brought forward			
thirteen Spanish Hair Mattresses Cloth covered, at twenty pounds	260,,	”	”
twelve Cloth "Berts"[1] at thirty pounds	360,,	”	”
two large two-leaved Cypress Cup-boards, eight feet high and four and one half wide, with lock and key, at two hundred pounds each	400,,	”	”
one Side-board ditto, for two hundred and fifty pounds	250,,	”	”
twenty-one pair Cloth bed sheets, second hand, at fifteen pounds per pair	315,,	”	”
twenty-one old Spanish Blankets, at five pounds	105,,	”	”
Balance from Warehouse			
four large two-leaved Cypress Cup-boards with lock and key, eight feet high by four and one half long, at two hundred pounds each	800,,	”	”
one ditto. seven and one half feet high by three feet long, with lock and key, for one hundred and fifty pounds	150,,	”	”
one large Mess Table, six and one half feet long by three feet wide, twenty-five pounds	25,,	”	”
two small Cypress Wood Drawer Tables, at fifteen pounds each	30,,	”	”
one Iron Beam Scale with Iron chained wooden Trays, one hundred pounds	100,,	”	”
two large Madrier Benches, fifteen feet long, at thirty pounds each	60,,	”	”

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[1] Possibly misinterpreted, or misprint.

(*English Translation.*)

une Armoire de Bois de Cipre à deux Battans fermant à Clef, Cinquante-cinq Livres	55,,	,,	,,
L'autre part			
neuf Chaises, a Cinq Livres piéce	45,,	,,	,,
Sept poids de Fer de Cinquante Livres chaque a quinze Livres piéce	105,,	,,	,,
quatre idem de Plomb, pesant deux cens Livres à Six sols la livre	60,,	,,	,,
un Cabestan sur le quai de ce Port deux cens Livres	200,,	,,	,,
une Meule et sa Manivelle, quarante Livres	40,,	,,	,,
❋ { deux voiles de Bateaux, à vingt cinq Livres	50,,	,,	,,
Cinquantes ames, à quatre Livres	200,,	,,	,,
au Corps de Gard du Magasin			
une paire de Chenets, Trente Livres	30,,	,,	,,
deux petites armoires de Bois de Cipre, à vingt Livres	40,,	,,	,,
une Table de madrier, vingt Livres	20,,	,,	,,
deux Bancs idem, à dix Livres	20,,	,,	,,
un S'eau Cercle de Fer, sept livres dix sols	7,,	10	,,
À la Boulangerie			
un grand Chaudron de Cuivre Rouge avec deux armeaux, sans couvertures cent Cinquante Livres	150,,	,,	,,
un Fleau de Fer avec ses Plateaux de Cuivre jaune usés, six Livres	6,,	,,	,,
douze Livres de Poids de Plomb, à Six sols la Livre	3,,	12,,	,,
six grands Petrins et leurs Traiteaux à Cinquante Livres	300,,	,,	,,
six Tables et leurs Traiteaux, à quarante Livres	240,,	,,	,,
une Couchette, vingt Livres	20,,	,,	,,
(Ci Contre)			
un Rouable de Fer, dix Livres	10,,	,,	,,

(English Translation.)

one two-leaved Cypress Wood Cup-board, with lock and key, fifty-five pounds	55,,	”	”
Carried forward			
nine Chairs, at five pounds each	45,,	”	”
seven fifty-pound Iron weights at fifteen pounds each	105,,	”	”
four Lead ditto. weighing two hundred pounds at six shillings per pound	60,,	”	”
one Capstan on the quay of this Port two hundred pounds	200,,	”	”
One Grind Stone and its crank, forty pounds	40,,	”	”
[1]two Boat sails, at twenty-five pounds	50,,	”	”
[1]fifty "ames"[1] at four pounds	200,,	”	”
In the Warehouse Guar-Room			
one pair of Fire-dogs, thirty pounds	30,,	”	”
two small Cypress Wood Cup-Boards, at twenty pounds	40,,	”	”
one Madrier Board, twenty pounds	20,,	”	”
two ditto. Benches, at ten pounds	20,,	”	”
one Iron Bound Bucket, seven pounds, ten shillings	7,,	10,,	”
In the Bakery			
one large two-handle Red Copper Kettle, without cover, one hundred and fifty pounds	150,,	”	”
one Iron Beam Scales with yellow Copper Trays used, six pounds	6,,	”	”
twelve pounds Lead Weights, at six shillings per pound	3,,	12,,	11
six large Kneading Troughs and their "Traiteaux"[2] at fifty pounds	300,,	”	”
six Tables and their "Traiteaux"[2] at forty pounds	240,,	”	”
one small Bedstead, twenty pounds	20,,	”	”
Brought forward			
one Iron "Rouble"[3] ten pounds	10,,	”	”

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[1] None of the meanings of the French word "Ame" seem to apply in the sense used; possibly a misprint or misspelled word.

[2] We are unable to translate the word "Traiteaux," none of the dictionaries giving it, neither the references we have consulted.

[3] Can not find the word "Rouable" in dictionary or reference work.

(French Version.)

deux gamelles cercléss de Fer, à cinq Livres	10,,	,,	,,
deux S'eaux cerclés de Fer, à Sept livres dix sols	15,,	,,	,,
deux haches, a dix Livres	20,,	,,	,,
deux Coins de Fer à Fendre le Bois, à Trente sols	3,,	,,	,,
Six portes de Four, à deux Livres dix sols	15,,	,,	,,
un grand Fleau de Fer avec ses Plateaux de Bois vingt livres	20,,	,,	,,
deux Coupe pâte, à six Livres	12,,	,,	,,
une Chaudiere de Fer de quatre à cinq Pots dix Livres	10,,	,,	,,
un grand Bidon, Six Livres	6,,	,,	,,
Bateaux du Roi			
deux grands Bateaux de Bordages, à mille Livres piéce	2000,,	,,	,,
Trois demi Bateaux de deux pieces à cinq cens Livres	1500,,	,,	,,
quatre idem dont un à Tombekbé, à trois cens Livres pce	1200,,	,,	,,
Trois Pirogues, à Cent Livres piéce	300,,	,,	,,
	14878,,	12s	,,

à la Mobile, le vingt Six Decembre 1763.

(*English Translation.*)

two Iron bound bowls, at five pounds	15,,	,,	,,
two axes, at ten pounds	20,,	,,	,,
two Iron Wedges for Wood Splitting, at thirty shillings	3,,	,,	,,
six Oven doors, at two pounds ten shillings	15,,	,,	,,
one large Iron Beam Scales with Wooden Trays, twenty pounds	20,,	,,	,,
two dough Basins, at six pounds	12,,	,,	,,
one Iron Boiler of four to five quarts, ten pounds	10,,	,,	,,
one large Bidon, six pounds	6,,	,,	,,
King's Boats			
two large Planking Boats, at one thousand pounds each	2000,,	,,	,,
three two-piece small Boats at five hundred pounds	1500,,	,,	,,
four ditto., one of which is at Tombekbe, at three hundred pounds ea	1200,,	,,	,,
three Canoes, at one hundred pounds each	300,,	,,	,,
	14878,,	12s	,,

Mobile, the 26th. of December, 1763.

I do acknowledge to have received the above Utensils, except such part of them as are here mentioned Vizt Six Tables, seven Bedsteads, one Cupboard, three Chairs, Six Forms, Eight sets of Dogs, three pair of Tongs, three Fire Shovels, One Small Boat and Two Canoes.

Excepting against the appraisement, as every Article is Valued at more than the things could be purchased at when New, and whereas the most of them are old, particularly the Boats and out of Repair, and by an appraisement of Two English Quarter Masters of Regiments and the Master Carpenter of His Majesty's Ship the Stag are only Valued at £211,, 6,, 8,,

Robt Farmar—Majr of 34th Regt

Valluation of Smiths Tools Received from His Most Christian Majesty's Store Keeper wth their Estimation
12th Janry 1764
Vizt

1 pair of Bellows	£,, 3,,	10,,	
1 Anvill	,, 2,,	6,,	8,,
1 Beack horn	,, –,,	18,,	8,,
2 Vices	,, 2,,	6,,	8,,
3 Hammer	,, –,,	7,,	–,,
19 Chizells	,, –,,	9,,	4
1 Wimble	,, –,,	2,,	4
2 Hand vices	,, –,,	14,,	–
1 Drill	,, –,,	1,,	4¾
1 Small Vice	,, –,,	2,,	4
1 Screw Plate and Pins	,, –,,	9,,	4
1 Pair of Nippers	,, –,,	–,,	11¼
3 Punches	,, –,,	1,,	4¾
1 Drawing Knife	,, –,,	2,,	4
1 Bears Tongue	,, –,,	1,,	10½
1 pair Tongs	,, –,,	3,,	8¾
1 Hatchet	,, –,,	1,,	10½
	11,,	19,,	10½

Robt Farmar
Majr of 34th Regimt

Endorsed No. 17. State of Effects & Utencils—belonging to the French King at—Mobille & other places,—in Majr Farmar's letter of—24th Jany 1764—

From Mons. Kerlerec to Major Farmar.

Sir

I Received the Letter that you did me the Honour to write from Pensacola the 21st of last month, and it was delivered to me by John Lind Esqr Captain in His Britanick Majesty's Army who Arrived here the 30th of September at 11 o'Clock in the morning.

I see (Sir) by the said Letter, that the King of Great Britain has Commanded and Committed to you, and in His Name to take possession of that part of Louisiana Ceded to him by His Most Christian Majesty, my Master according to the preliminaries of Peace signed at Fontain-Bleau the 3d of November between their respective Ministers charged with full power from their Majesty's and the Seventh Article of the Definitive Treaty, likewise Signed the Tenth of February last.

You add (Sir) that it is in consequence of your Orders that you have sent to Mobille the said John Lind Esq^{r} Captain for to Regulate and Concert in the most Effectual manner, all these affairs, and Relieve His Most Christian Majesty's Troops from the Posts and Fort actually in their possession, on the Left side of the River Mississippi, Céded to the King of Great Britain, and that this Officer is Conveyor of the order from the Court of France for that purpose, which he punctually delivered to me. This is (Sir) the substance of the Letter which you did me the Honour to write, to which I answer, In informing you that I am on the point of my departure for Europe, and that I have remitted your Letter to M^{r} Dabbadie whom the King my master has named to succeed me to the Government of this Colony, and who of Consequence has the same power as me, for to deliver up to you those parts Ceded by the said article of the Definitive Treaty.

In consequence of which I have already sent provision Orders to M^{r} Develle in Kings Lieut at Fort Conde and Mobille; but I shall now dispatch to him a more definitive One that you may not be retarded in any Shape whatever in taking possession of what you Claim and M^{r} Dabbadie my Successor in the Administeration of the Governor, with whom I have punctually consulted all these operations, will proceed accordingly, & according to the Rule, for to Cede to you the said Fort Conde at Mobille, together with the Country Adjacent, and Forts Situated upon those parts Ceded, and mentioned in the said Article of the Definitive Treaty. He writes to you (Sir) and enters with you into the particulars, which seems to me no less interesting for the Government of Great Britain, as well as that of the King of France, and for the Tranquility of the respective Subjects.

I ought likewise to inform you (Sir) as a Governor who has

Governed the Colony during Eleven years, that it is very essential that you give ear on your side to all the different dispositions, or orders that he will propose to you, as the Question is, to procure to you both a quiet and a Peacefull Government, so I am persuaded that when you have seriously reflected upon the divers means which he has to propose to you, you will agree that nothing is more sutable.

Capt. John Lind seemed to me greatly surprised that we had already sent away the greatest part of the Artillery from Fort Conde at Mobille, such (Sir) was our orders, and it is our business to obey them, besides we have occasion for them in the different parts which now remains to us of this Colony.

With respect to Arms and Warlike Stores, we have always been very badly provided, and we have now expended almost all our Powder, and we flatter ourselves that you will be so good as to spare us some in case of any emergency.

According to what Capt. John Lind (whom you have sent to me) has given me to understand, that you are desireous of knowing the most convenient time of your departure from this City, to take possession of Illinois.

In answer to which (Sir) you may take your Departure before the 15th January next, and as your Route cannot be less than two months and a half, you will arrive by the waters being then high at Illinois about the begining of April, this is (Sir) the only time to go from hence, and if you should be disposed to go sooner, it will be of no consequence with respect to the distance between this and Illinois it is 450 Leagues; you may likewise on your Route establish a Post at Natcheres[1] observing at the same time to send work men to build Barrack, those which are now there being so old, that we was obliged to Evacuate, and abandon them, they not being fit to be repaired.

It is then very essential that you Concert by times, and even now of the Departure of the Garrison of Illinois with Mr Dabbadie my Successor, that no obstakle may arrise that may hinder their departure the 1st of January next he writes how far it is necessary that you should arrive at Mobille the same time that he does, I tell you at the same time, that it is of the utmost consequence for the reciprocal tranquility of the Subjects of the two Monarchs which are under our Subjection that the two Chiefs, English and French arrive at the same time, the Nations may perceive of themselves, all the union, and good understanding that for the present Unites us, and be assured that what I now tell you is from a principle to keep up a good understanding so much to be desired, this is (Sir) my advice, notwithstandg you are the master to do as you think proper, It is my Duty to comply with the orders, of Mons^r Le Duc de Choisuel,[1] and to enter with you into the most minute explanation, in Speaking to you thus, I believe you would not do a miss in putting some little confidence in a Governor who has Governed this Colony eleven years; Mons^r Dabbadie immagines he will be at Mobille the 25th of this month, therefore you will see there is no time to be lost reckoning the time that your Officer will take to reach you. Mons^r Dabbadie has sent you an explicit copy of a Counsel to be held with the Savages which I am convinced you will approve of, and which I look upon as undispensible.

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[1] Fort Rosalie, an important post of the French, built by Bienville in 1716.

The orders for the Evacuation, and the Accession of the English of the Posts of Illinois, Tombekbe, Alibamoux and Natcheres has been already sent to the different Officers Commanding there, which orders are Original, and conformable to the meaning and Tenor of the sixth Article of the Preliminaries, and the seventh of the definitive Treaty.

I have remitted to Capt. John Lind a State of the Garrisons which Occupy the different Posts above mentioned; but I ought to inform you that for want of Troops, which we have been in great want of all this War, the said Garrisons have not been provided for as they ought to have been. The post of Illinoies, ought at least to have Three Hundred men Compleat, for to furnish the Post of Vincene and that of Massac,[2] and if you think proper at present to Establish a Post at Natchers, you ought to leave a Garrison of 50 men with Two Officers.

With Respect to the two Posts of Tombekbey and Alibamoux, the first requires, 50 men, & the last ought to have rather more; when you shall be at Mobille, and when you see the

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[1] The French premier.

[2] Vincennes on the Wabash; Massac on the lower Ohio.

Nations face to face, which are to be assembled against the First of next month; you will consult with Mr Dabbadie, and take the Justest Measures for Establish:g yourselves in both these Posts, with all the precautions Requisite, which may procure to your Garrison, that quietness, and Tranquility, which in reality is so much to be desired.

On my side (Sir) since the King my Master has informed me of his intentions, I have not ceased to send my best words to all the Nations, for to persuade them of the necessity of the regulations made, and agreed upon, between Our Sovreigns: and I flatter myself that you find them as well disposed as you could wish for: There only now remains (Sir) for me to inform you, that it will be necessary to give the most punctual orders to your Troops not to make them Drunk, at least to give them as little Liquor as possible.

I think (Sir) this is all the insight that you desired of me, there remains nothing now but to Complement you on your arrival at Pensacola, and to wish you most perfect health.

I am sorry that Mr Lind has found me (that is to say) out of sortes, and all my Effects pack'd up, as I expect every day to go to France, I should have Received him as I ought, but Mr. Dabbadie my Successor, supplyed my place with pleasure.

I have the Honour to be with the Sentiments of the most particular and most distinguished Veneration

Sir

Your most humble and most

obedt humble Servant

Kerlerce

New Orleans 2d Octr 1763.

Endorsed No 18.—Monsr Kerlerce's Letter—to Majr Farmar dated—2d October 1763.—in Majr Farmar's letter of—24th Jany 1764.

From Major Farmar to Mons. Develle.

Sir

As from the Explicitness of His Most Christian Majesty's Order it can not be imagined that His Excellency Monsr Kerlerce, will make the least scruple in directing that part of Louisiana

Ceded to the Crown of Great Britain, to be immediately delivered up to His Britannick Majesty's Troops conformable to the Tenor of the Definitive Treaty; and as I could wish to take every Step that might contribute to facilitate this business.

I have in Charge of Captain John Farmar of the 22d Regiment sent same Military Stores, chiefly consisting of 130 Barrels of Gun powder, which I flatter myself you will be so good, as to suffer them to be Landed and placed in the Magazine or some other secure place, and in case any doubt should arrise to His Excellency Monsr Kerlerce with respect to his surrendering of Mobille and its dependences you will in like manner permit us to Reship them, the Vessel wherein these Stores are contained has not only Received some Damage in her Masts &c but will be of Infinite use to us in Transporting of Troops from hence (when repaired) as some of the Transports draw too great a depth of water to enter the Bay of Mobille.

From the known ecquitable disposition of His Excellency Monsr Kerlerce and yourself am perswaded you will use your utmost endeavours to dispose the Savages to receive, and Live with His Britannick Majesty's Troops and Subjects in Friendship. And I should be proud of the Honour of living on the same ammicable footing with Gentlemen of your established Characters.

I have the honour to be with much respect

Sir

Your most obedient & most Humble Servt

On Board His Britannick Majesty's Ship
Stag in Pensacola Harbor 2d October 1763

Monsr Develle, His Most Christian Majesty's
Lieut. and Commander of Mobille—

Endorsed (19)—Major Farmar's Letter to—Monsr Develle with Military—Stores &c——in Majr Farmar's letter of—24th Jany 1764

(*French Version.*)

Manifesto issued at Mobile by Major Farmar.

(printed broadside)

PAR MONSIEUR

ROBERT FARMAR

Majeur du 34me Regiment, & Commandant des Troupes de sa Majesté Britanique, dans la Louisiane, &c. &c. &c.

Comme, par le Traité definitif de Paix signé le 10me de Fevrier, & Ratifiê le 10me de Mars 1763. Cette Partie de la Louisiane située á main gauche, ou du Côté Oriental de la Riviere de Mississipi, depuis sa Source jusqu' à la Riviere d'Iberville, & à travers des Lacs de Maurepas & de Pontchartain, jusqu' à la Mer, est cedée en pleine possession à sa MAJESTÉ BRITANIQUE.

Par ces presentes il est ordonné, & requis de touttes Personnes dans le Maniment de l'administration du droit Civil, de cesser touttes procedures procés commencées, & defendu de poursuivre dorésnavant en procés, ou playdoiries, dans la forme & pratique des Loix de France, les habitants presents etant devenus sujets aux Loix d'Angleterre, par lesquelles ils seront paisiblement protegés dans leurs droits & propretés, & à fin que le Cours de la Justice ne puisse soufrir aucun delay ou retardement, touttes causes, procés, & sujets de plainte seront presentés, par ecrit au Commandant à Mabille, & touttes disputes triviales a l'Officier Commandant des Postes circonvoisins aux parties offensées.

Les Habitants par ces presentes peuvent être assurés, d'être protegés dans leurs droits, & propretés, & de n'être point, sans sujet, en aucune façon molestés ou incommodés par les Troupes & on s'attendque de leur part, ils en agiront de même envers les Troupes, leur fournissant les choses dont ils auront besoin, & que le pais produit, pour lesquelles on leur payera en Argent comptant.

Pour previnir, autant qu'il sera possible, touttes fraudes, & disputes, par rapport aux achats, ou ventes de terres, & propretés reelles, tous les biens en terres seront registrés dans l'espace d'un An après la publication de ces presentes, & il ne sera point permis de disposer d'aucunes terres, ou autres biens

(*English Translation.*)

Manifesto issued at Mobile by Major Farmar.

BY MISTER

ROBERT FARMAR

Major of the 34th. Regiment and Commander of His Britannick Majesty's Troops in Louisiana, &c., &c., &c.

Whereas, by a Definitive Treaty of Peace signed the 10th. of February and ratified the 10th. of March, 1763, that portion of Louisiana lying to the left-hand side, or on the Eastern bank of the Mississippi River, from its source to the Iberville River, and across Lakes Maurepas and Pontchartain to the sea, is ceded in full possession to His Britannick Majesty.

By these presents it is commanded, and required of all persons engaged in the administration of Civil Law, to discontinue all proceedings, suits instituted and defended, nor to sue henceforth at law, or pleadings, in the form and practice of the Laws of France, the present inhabitants having become subject to the Laws of England, by which they shall be peaceably protected in their rights and properties, and in order that the Courts of Justice may suffer no delay or retard, all cases, suits and subjects of complaint shall be submitted in writing to the Commander at Mobile, and all trivial disputes to the Commanding Officer of the Posts nearest the aggrieved parties.

The Inhabitants by these presents may rest assured of being protected in their rights and properties, and not at all bothered or inconvenienced in any manner, without grounds, by the Troops, and it is expected that on their part they shall behave likewise towards the Troops, furnishing them with the things they may need and the country produces for which they shall be paid in ready money.

To prevent as far as may be possible all frauds and disputes with reference to purchases or sales of lands and real property, all landed estates shall be recorded within one year of the publication of these presents, and it shall not be at all permissible to dispose of any lands or real property until the

(*French Version.*)

reels, jusq'à ce que les titres & teneurs des dits biens puissent être verifiés par leur enregistrements, & approuvés par l' Officier Commandant.

Ceux d'entre les habitants Francois qui feront choix de rester dans leurs diverses habitations, & de vivre sous les Loix d' Angleterre, & sous le gouvernement de sa MAJESTÉ BRITANIQUE, deveront, aussistôt qu'il sera possible, se rendre à Moibille, pour y prêter serment de fidelité. Ceux qui ne voudront point s'y conformer dans l'espace de trois mais après la date de ces presentes, seront dépossedés, & obligés de quitter cette partie du pais cedée à la Nation Angloise. Ceux qui s'y conformeront seront protegés dans leur propretés, & droits religeux, comme il est stipulé par le traité de paix, iceux se comportant paisiblement, sans trâmer aucun projet au prejudice des autres sujets de sa MAJESTÉ BRITANIQUE, ou de son gouvernment: Mais touttes les fois qu'on decouvre a qu'ils auront taché de donner aux Indiens de mauvais prejugés desavantageux aux Anglois, ou agiront en aucune façon, au prejudice, ou faisant des attentats pour renverser le gouvernement Anglois, on procedera contre aux comme revoltés.

Ceux d'entre les habitants qui seront portés d'inclination à quitter leurs presentes habitations, & se retirer de cette partie du pais, auront un sûr & sauf transport de leurs effets, comme limité dans le traité de paix.

Ces presentes seront luës dans l'Eglise de chaque paroisse par le Curé; ou quiconque officiera pour lui, quatre Dimanches successifs, & seront affichées aux portés des Eglises, & dans touttes les places publiques, âfinque personne n'en pretende ignorance.

DONNE'ES à Moibille le present siege du Gouvernement Anglois dans la Louisiane.
ce Vingtiéme jour de Octobre 1763.

ROBERT FARMAR.

Endorsed (20)—Manifesto published by—Major Farmar at Mobille—in Maj^r^ Farmar's—letter of 24th Jan^y^ 1764

(*English Translation.*)

titles and tenure to said property can be verified by the recording thereof, and approved by the Commanding Officer.

Those among the French inhabitants who shall choose to remain in their diverse abodes and live under the laws of England and His Britannick Majesty's government, as soon as may be possible shall repair to Mobile there to take oath of allegiance. Those who will not at all comply hereunto within three months of the date of these presents shall be dispossessed and compelled to quit this portion of the country ceded to the English Nation. Those complying hereunto shall be protected in their property and their religious rights as stipulated in the peace treaty, they behaving themselves peacefully, without plotting any designs to the detriment of other subjects of His Britannick Majesty or its government. But whenever it shall be discovered that they are guilty of maliciously prejudicing the Indians to the disadvantage of the English, or act in any manner to their detriment, or should make attempts to overthrow the English government, they shall be proceeded against as rebels.

Those among the inhabitants who shall be possessed of an inclination to quit their present abodes and withdraw from this portion of the country, shall be afforded secure and safe transportation of their chattels as provided by the peace treaty.

These presents shall be read in the Church of each parish by the Rector, or whomsoever should officiate for him, for four consecutive Sundays, and shall be posted on the doors of the Churches and all other public places that no person may plead ignorance thereof.

Given at Mobile, the present seat of the English Government in Louisiana, this twentieth day of October, 1763.

ROBERT FARMAR.

List of Appointments, etc., needed at Mobile.

Minutes of some Necessary Establishments requisite for the Port of Mobille, and other articles usefull for the Garrison, and much wanted.

A good Boat Decked, with Sails fit to put to Sea, with proper hands on board

A Pilot well acquainted with the Bar and Channel to Conduct Vessels into the Harbour, to have the Command of said Boat, a house built for the Pilot with other conveniances to secure the Boat, on, either the North west of Point Mobille or the North east of the Isle Dauphin—a place for the Pilot till such time as the increase of Trade bring him in a sufficient Livelyhood, There should also be some kind of Building erected which ships may disern at some distance at sea, the Coast being very low, and no remarkable Lands near the entrance into the Harbour, some Signal is requisite to be made when Ships are in distress, that assistance may be sent them, such as a Large Cannon, the French had a large Cannon upon the Island of Dauphin for that purpose which is still there, but from being neglected is so decayed, that it is dangerous to make use of it.

A Harbour master as Established in most of the Island, to regulate Vessels Anchoring.

Four large Buoys placed upon the sides of the passage over the Bar, by which Ships may find the Cannel when the Southerly winds prevail, so that a Pilot cannot get out. It may be proper to observe, that the French Inhabitants here are all accustomed to small Vessels, and know very little of Conducting large ones.

A Quay, the one the French had being nearly demolish by the Embarking of the French Cannon, and the Disembarking Ours.

A Ferry to be established at Aplanche old Town, with a Canoe and a Perogue, in order to keep an open communication by Land with Pensacola.

Proper Colours for the several Forts, or Posts, what are used at present being only a Ships old Ensign, and a Jack taken from the Transports.

Seans, Hooks and Lines for the use of the Garrison, the Bay abounding with Fish, but no means of killing them.

Garden Seeds of all kinds for a publick Garden for the use of the Garrison to be established here, with Spades, Hows, and Iron Rakes to keep it in order. a publick Garden being greatly wanted, Especially for the men in the Scurvy, and Vegitables of all kinds are both scarce & dear.

Robt Farmar
Majr of 34th Regimt

Endorsed (21)—Minutes of some appoint—ments Necessary at Mobille.—in Majr Farmar's letter of—24th Jany 1764

Major Farmar's Contingent Account.

Contingent Account of Cash Expended by Major Robert Farmar of His Majesty's 34th Regt of Foot, for the Service of the Goverment at Mobille in Louisiana.

		£	s	D
1763	To Medicines bought at Jamaica for the use the Troops, those received at Sea being Damaged by being Transported from Ship to Ship, and difficint in some Articles....................	52	6	
	To Stationery goods bought at Jamaica for Publick use.........	15	13	4
	To Translating and Printing Manifestos to Publish on my arrval at Mobille..................	7	6	10
	To paid for Boat hire, Chaise hire &ca at Jamaica.....................	13	17	4
	To paid two Barrels of Flour containing three hundred & Sixty nine pounds at £1,,13,,11½ ⅌ Hundred..................	5	7	11
29th Septr	To paid an Express from Mobille to Pensacola.....................	1	17	4
10th Octr	To paid an Express from Mobille to His Majesty's Ship Stag lying of the Island Dauphine........	„	9	4
	Carry Forward			

	Brought Forward			
13th Do	To paid for Carting 298 Barrells of Powder, and five Boxes of Hand Grenadoes, from the Schooner Betsy, and Sloop Industry to the Magazine.......	2	11	7½
1763	To paid a Negro for assisting with the Powder....................	,,	2	4
14th Do	To Paid two men sent Express from Lieut. Colo: Prevost........	1	3	4
	To Paid for Candles for the Guards from 22d to 26th October........	,,	3	6
17th Do	To Paid for mending two Locks, making a new Key, fitting an Old Key, for the Casemates, and a hook for taking Buckets out of the Wells..............	,,	2	4
	To a Box of Spermaceti Candles, weighing 34½ pounds at five Bitts ₱ pound for the use of the Guards.....................	5	—	7½
7th Novr	To paid for Oars for the Battoes destined to Tombekbe...........	,,	4	8
	To paid for Sweeping the Chimneys of the Officers & Soldiers Barracks	1	11	—
	To paid for a Stock Lock 4s /8, and two other Locks for the Casemate Doors 4s /8	,,	9	4
	To paid for Twelve Fathom of Rope .	,,	7	—
	To paid for two pounds of White Rope for the Fort Bell...........	,,	2	4
	To paid for three large Pad locks with Hasps and Staples for three Doors of the Casemates and large nails for repairing other Locks Doors and windows......	1	3	4
	Carry Forward			

	Brought Forward			
	Paid for a Trowell and Bricklayers Hammer	,,	7	—
	Paid for Sundry Carpenters' Tools for the use of the Garrison	19	10	2
24th October	Paid for the Boards at 1s /9 Each	1	4	6
30th Do	Paid for Bricks to repair the Casemates of the Fort	1	3	4
1763	Paid for 40 Barrells of Lime @2s /4	4	13	4
a	Paid for 1754 lb of Fresh Beef @ 3d ꝑ lb for the Sick of the 34th & 22d Regiments in the Hospital at Pensacola	25	11	7
	Paid for 92 Boards @17½d each for repairing the mens Bedsteads	6	14	2
	Paid for 35 Boards @1s /9 each 10 Foot long £3,, 1,, 3 Paid for 27 Do @2 /7 each 15 Foot long 3,, 10,, 10½ for making Door and windows to the Casemates	6	12	1½
	Paid for 4 large Planks 18 Foot long and three Inches thick to repair the West Gate of the Communication	1	3	4
	Paid for three pieces of Timber for the Frame of said Gate	,,	11	1
14th Decr	Paid for 5000 new Bricks to repair the Chimneys of the Barracks at 6 Dollars ꝑ Thousand	7	—	—
	Paid for Six Barrels of Lime@2s /4	,,	14	—
10th Do	Paid Stephen Davis Carpenter 42 days work @1s / ꝑ day from 24th Octr	2	2	—
	Paid Robert Morris Do 39 days work @1s / ꝑ day from 27th Do	1	19	—
	Paid Thos Furze Do 27 days @1s / ꝑ day from 10th Novr	1	7	—
	Carry Forward			

	Brought Forward			
	Paid James Dennis Do 33 days, @1s / ⅌ day from 3d Do	1	13	——
1763	Paid Thos Pezer Do 33 days (work) @1s / ⅌ day from 3d Do	1	13	——
	Paid Robt Lawson Bricklayer 27 days @1s / ⅌ day from 10th Do	1	7	——
1st Do	Paid Dennis Flannegan Do 14 days @ 1s / ⅌ day from 10th Do	,,	14	——
9th Do	Paid Edwd Thompson Labourer 28 days @ 6d ⅌ day from 10th Do	,,	14	——
	Paid Edwd James Do 28 days @ 6D ⅌ day from 10th Do	,,	14	——
10th Do	Paid Corpl Carson Overseer 42 days @ 1s / ⅌ day from 24th Octr	2	2	——
15th Do	Paid for Coals and the use of a Smiths Tools for the Blacksmiths	1	17	4
10th Do	Paid Nichs Blackmore Smith 16 days work @ 1s / ⅌ day from 23d Novr	,,	16	——
Do	Paid John Williams Smith 16 days work @1s / ⅌ day from 23d Do	,,	16	——
15th Novr	Paid for One hundred & Fifteen pounds of Iron for hinges for the doors and windows of the Casemates and Communication Gate	1	19	8
	Paid for 500...10D nails for the above uses	,,	7	——
	Paid for the Carrying of Stores from the Schooner when Cast away	,,	18	8
	Carry Forward			

	Brought Forward			
1763 2d Decr	Paid the Charge for repairing the Battoes on the Passage to Tombekbe	1	8	—
	Paid for 1355 pounds of Fresh Beef for the Troops at Mobille @3½d ꝑlb	19	15	2½
	Paid for 1236 pounds of Fresh Beef for the Troops at Do @ 3d ꝑ lb	15	9	—
	Paid for the Carriage of 33 Loads of Baggage from the Wharf to the Store House in Mobille @ 1s /9d ꝑ Load	2	17	9
2d Decr	Paid for a Large Battoe	42	—	—
	Paid for Repairing Do	14	15	2
	Paid for a Smiths Forge	5	—	—
	Paid for a Cross Cut Saw	2	16	—
17th Do	Paid the French Cryer for making Publick at Sundry times the Orders of the Garrison	1	12	8
	Paid for a Union Flag for the Fort	,,	18	8
	Paid for a pair of Stilliards for the use of the Garrison	,,	14	—
	Paid for a half Chaldron of Coals for the Smiths	,,	16	4
	Paid for the hire of two Battoes for part of the Garrison to Thombekbe	7	9	4
	Mr Telfare's Account			
24th Octr	To 13 pieces of Strouds for presents to the Indians @6,, 15,, 0 ꝑ piece	£ 87	15	—
	182 Duffle Blankets @8s / 8d	78	17	4
	148 Black List Do @ 6 /9	49	19	—
	Carry Forward			

Brought Forward

1763	97 Check Shirts..@4 / 6	21	16	6
	2 White Ruffled Shirts @8s	,,	16	——
	3½ Bunches, or 14 mase best Barley Corn Beads @ 8s / 6	1	9	9
	30 pair of Scissors @4d 5 pair Do @ 3½d	,,	11	5½
	4 pieces of Indian Callicoes 18 yds. each @ £3,, 2,, 6	12	10	——
	12 Saddles and Bridles @19s /	11	8	——
	29 Guns @19s /	27	11	——
	101wt Gunpowder £7,, 11,, 6 and 2 lb Shot	7	12	6
	200 wt Bullets @ £1,, 11,, 6	3	3	——
	1 lb Powder, 7 lb Shot & 2 lb of Tobacco for the Wolfe King	——	10	——
	2 Groce of Gartering @16s / 6	1	13	——
	3 lb best unmixed Vermilion @ 8s / 9	1	6	3
	90 Gun Flints	——	1	3
	2 Groce Brass Rings @ 4s /	——	8	——
	14 Looking Glass's @ 1s / 9	1	4	6
	6 Large Do @ 2s /,, 12 Small Do @ 1s /	1	4	——
	16 pair Silver Ear bobs @ 2s /	1	12	——
	14 Brass Kettles weight 74 lb @3s /	11	3	6
	1 Doz. Cotton Handkerchiefs 25s / One piece of Romals 19s /	2	4	——
	To a nest of Trunks 18s /11 pieces of pritties @1s	1	9	——
	29 Razors @ 6½d 1 Dozn Hawks bells @2s / 6	——	18	2½
	8w Common Beads @ 2s /	——	16	——

Carry Forward

1763	Brought Forward				
	Mr Telfare's Acct Continued				
	12 Silver Broaches @ 2 /		1	4	—
	1 Silver Wrist Plate		—	9	—
	100wt Salt & Bags for the Same	for the Wolfe King	—	9	—
	1 pair Shoes & 1 pair Hose		—	9	4
	2 Kegs Rum 7¼ Gallons @ 4s / 6	Wolfe King	1	12	7½
	Paid for two Kegs 9s / 4		—	9	4
	2 Large Horse Bells for	Do	—	9	—
	12 Fathom White Rope for	Do	—	6	6
	1 Barrell of Rice 600 wt		3	5	4
	2 Brass Lacquered Gorgets @ 12s / 6		1	5	—
	1½ yd Ribbon 1s / 4 1½ lb of Red Lead @2s / 3		—	3	7
	½ Dozn Hatchets		—	8	6
			13	14	5
	Mr Irving's Account				
29th Novr	1 Duffle Blanket		—	9	4
	1 Red Stroud Do		—	16	11
	1 Trading Gun		1	1	7
	1 White Shirt		—	5	10
	Mr Dunbar's Account		2	13	8
26th Octr	1 Barrell of Salt 4½ Bushels @ 8B / ℘ Bushell		—	17	6
10th Novr	1 White Shirt		—	5	3
	1 piece of Ribbon		—	9	4
25th Do	1 Great Coat		1	12	8
	1 Do		1	11	6
	1 Do		—	17	6
			5	13	9
	Carry Forward				

		Brought Forward			
1763		Paid by Lieut Hilton			
21st Octr		Paid for 3 Gallons of Claret for the Wolfe King	1	1	0
		paid for Cag for Do	—	2	4
		paid for Repairing Arms for Do	—	19	10
		paid for a Shirt for one of the Chiefs of the Chactaw's Sons	—	4	8
			2	7	10
		Entertainment for the Indians.			
		Paid for Ten Barrells of Sweet Potatoes @ 4s / 8 ꝑ Barrell	2	6	8
		paid for Fifty Barrells of Indian Corn @ 4s / 8 ꝑ Do	11	3	4
		paid for Six Do Do @ 4s / 8 ꝑ Do	1	8	—
	a	paid for 12 Kegs @ 4s / 8	2	16	—
		paid for 1434 Loaves of Bread @ 1s / 2	83	13	—
		paid for 4802 lb of Beef @ 3½ ꝑ pound	70	—	7
		paid for 1728 lb of Beef @ 3½ ꝑ lb	25	4	—
		paid for 392 lb of Beef @3 ꝑ pound	4	18	—
		paid for 350 lb of Beef @ 2½ ꝑ pound	3	12	11
	a	paid for 1122 lb of Do @ 3½d Omitted in Acct sent Sr Jeffy Amherst	16	7	3
		paid for Baking 2152 Loaves @ 9 for 2d	1	19	10
		paid for 4 Hogsheads of Claret at £7 ꝑ Hogshd	28	—	—
		paid for a Firkin of Butter 78 lb @½s ꝑ lb	4	11	7
		paid for 124 lbs of Sugar @ 9d ꝑ lb	4	13	—
		paid for a Barrell of Salt 4½ Bushells @ 3s ꝑ Bushl	—	13	—
		Carry Forward			

Brought Forward			
1763			
paid Mr John Buckle Interpreter to the Tchactaws.............	7	—	—
paid Peter Reed French Do.......	2	6	8
paid Servants for attendance & Cooking for the Savages.......	15	8	—
paid for 20 Tin Cups, and 4 Earthen Do for the Indians use......	—	16	4
paid for Sundry Vessells to serve their Victualls in............	4	13	4
Weekly Expences for Vegitables..	27	11	6½
	319	13	½
Staff Nominated by Majr Robt Farmar			
Capt John Farmar 22d Regt Fort Majr @ 10s/ ₰ Diem from 20th Octr to 10th November........	11	—	—
Capt John Lind Fort Adjutant Do time @ 5s / ₰ Diem.........	5	10	—
Do Surveyor of the works @ 5s / ₰ Diem.......................	5	10	—
Lieut Lanct Hilton Secretary @5s ₰ Diem from 24th August to 10th Novr	19	15	—
Lieut John Henry Barrack Master @4s ₰ Diem from 20th October to 10 Novr..................	4	8	—
Lieut Robt Lindsey 22d Regt Artillery Officer @ 3s/ ₰ Diem Do time........................	3	6	—
Mr Richd Power Commissary of Provisions @ 5s ₰ diem......	5	10	—
Mr Edwd Burt Master Gunner @ 2s ₰ Diem.....................	2	4	—
	57	3	—
Carry Forward	10 47	17	8

Major Robt Farmar to Account Dr

1763				
29th Augt	To a Bill drawn (as ℘ order) on the Right Honble the Lords of the Treasury	£1200	—	—
	Per Contra . . . . Cr			
1763	By Contingent Account brought forward	£1047	17	8
	By Cash advanced to Commissary Campbell on acct	152	2	4
		£1200	—	—

Mobille 24th January 1764 Errors excepted
Robt Farmar
Majr of 34th Regimt

Endorsed (22) Major Farmar's Contingt—Account—in Majr Farmar's letter of—24th Jany 1764

Text of the Cession of Mobile, with Translation of the Same.

(French Version.)

Procès Verbal de la cession du Port de la Mobile à M. Robert Farmar nommé par sa Majesté Britanique Commandant de la Mobile et de ses dépendances, en execution du Traité definitif de paix conclué à Versailles le dixiéme jour de fevrier mil Sept cent Soixante trois.

Aujourd'hui vingtiéme jour du mois d'Octobre de l'année mil Sept cent Soixante trois, Nous Pierre Annibal Develle Chevalier de l'ordre Royal et militaire de St Louis, Lieutenant de Roi Commandant du Port de la Mobile et René jean Gabriel Fazende faisant fonctions d'ordonnateur au dit lieu, en consequence des ordres que nous avons reçus de M^rs^ de Kerlérec Chevalier de l'ordre Royal et militaire du St Louis, Capitaine des Vaisseaux de sa Majesté Tres Chretienne, Gouverneur de la Loüisiane; Et Dabbadie Commissaire général de la marine ordonnateur en la ditte Province, pour ceder à M^r^ Robert Farmar nommé par sa Majesté Britannique pour commander au Port de la Mobile et ses dépendances, la partie de la Loüisianne cedée en consequence du Septiéme article du Traité définitif de paix conclüe à Versailles le dix-sept fevrier mil Sept cent Soixante trois entre sa Majesté trés Chretienne et sa Majesté Britannique, avons procedé à la ditte cession ainsi qu'il suit.

Savoir

Le dit Port de la Mobile situé sur la Riviere de ce nom, consistant en differens Batimens et ouvrages de fortifications ci après détaillés.

Le Fort composé de quatre Bastions, courtines et parapet, avec trente huit Embrasures ouvertes, elevé en maçonnerie de Briques, le tout en très mauvais etat, et ayant grand besoin d'etre reparé. les Canons ustenciles d'artillerie et munitions en ont eté enleves

Vingt trois Cazemates voutes sous le Rempart dans les faces de l'Est, du Nord et du Sud, auxquelles il manque plusieurs Portes fenêtres et Contrevents, le reste est en très mauvais etat.

Le Magasin à poudre dans l'interieur du Bastion du Sud-Est, bati en maçonnerie de Briques, couvert de Bardeaux les deux

Text of the Cession of Mobile, with Translation of the Same.

(*English Translation.*)

A Verbal Process of the Cession of the Port of Mobille to Mons: Robert Farmar, named Commander by His Britanick Majesty of Mobille and its Dependencies, in execution of the Definitive Treaty of Peace concluded at Versailles the Tenth of February, One Thousand Seven Hundred & Sixty Three.

To Day, the Twentieth of the Month of October in the Year One Thousand Seven Hundred and Sixty Three, We Peter Hanibal Develle, Chevalier of the Royal and Military Order of St. Louis, Kings Lieutenant and Commander of the Port of Mobille and Réne John Gabriel Fezende, doing the Duty of Commissary of Marine at the same Port, in consequence of the Orders Received from Mons: Kerlerec, Chevalier of the Military order of St Louis, Captain of one of His Most Christian Majesty's Ships, and Governour of the Province of Louisiana, and Dabbadi Commissary General of the Marine, and Disposer of the said Province, to Cede to Mons: Robert Farmar, named by His Britanick Majesty to Command the Port of Mobille and its Dependences, and that part of Louisiana Ceded in Consequence of the Seventh Article of the Definitive Treaty of Peace, concluded at Versailles the Tenth of February, One Thousand Seven Hundred & Sixty Three, between His Most Christian Majesty, and His Britanick Majesty.

We proced to the said Cession as follows.

To Wit

The said Port of Mobille situated upon the River of that Name consisting in different Buildings and works of Fortification, the particulars of which as follows:

The Fort consisting of Four Bastions, Curtains, Rampart and Parapet, with Thirty Eight Embrazures open, raised in Brick work. the whole being decayed and out of repair. The Cannon, ordnance Stores, & Ammunition taken away.

Twenty three Cazernes Vaulted under the Rampart on the East, North, and South Faces, whereof Several doors & Window Shutters are wanting. The rest in very bad repair.

(*French Version.*)

Portes du dit magasin sont en assés bon etat.

Les Palissades autour du Chemin couvert pourries et plusieurs manquant.

La Boulangerie dans l'interieur du Bastion au Nord—Ouest, batie en maçonnerie de Briques avec un four bative même, hors de service.

Les Casernes et le corps de garde du Fort sont dans un mauvais etat.

Le Corps de Logis servant de logement aux Officiers dans le quatier neuf sur la Place, dont les murailles et le Toit sont en bon etat, mais le reste a besoin de beaucoup de reparations.

Le Corps de garde et la Cuisine du dit quartier sont en bon etat.

Les Latrines en très mauvais etat.

La Boulangerie en deux Corps de Logis sur le même Terrain, batis en Columbage de Briques, couvert de Bardeaux, l'un avec quatre fours, et l'autre avec deux qui ont besoin de reparations.

Le Angard des Sauvages divisé en deux partier, construit de Poteaux en Terre, entouré de Pieux, couvert de Bardeaux, et garni en de-dans de Lits de camp tout au Tour; plusieurs Portes et fenêtres y manquent.

Le Magasin servant au dépôt des rivres construit en Columbage de Briques, revêtu extérieurement en planches et couvert en Bardeaux, au bout duquel est construit un Moulin à ecarler du Ris, garni de quatre Pilons; les dits Batimens situés à Trois cens vingt-cinq Toises du Fort.

Lesquels Batimens et ouvrages de fortifications mentionnés ci-dessus, Nous Officers denommés avons ce jourd'hui remis à M^{r} Robert Farmar Commandant pour sa Majesté Britannique, lequel les a reçus conformément au présent Procès Verbal que nous avons fait, stipulé et signé , à la Mobile, les jour, mois et an susdit.

—Develle fazende

(*English Translation.*)

The Powder Magazine in the Interior part of the South East Bastion is of brick work, covered with Shingles, two doors for the said Magazine in tolerable repair.

The Pallisades round the Covered way, rotten and Several wanting.

A Bake house in the Interior part of the North west Bastion, in Brick work, and Oven of the same. Entirely Useless at Present.

All the Barracks and Guard-rooms in the Fort, in a ruinous Condition.

The Officers Barracks in the Area, Walls and Roofs good, in all other respects wants a thrô repair.

The Guard-house and Kitchen in the said Area in good Repair.

The Houses of Offices in bad Repair.

Two Bake houses upon the same Ground in the said Inclosuer Columbage of Brick work Covered with Shingles, One new with Four Ovens of the same, in the said Bake-house, the other with two Ovens wants repairing.

The Magazine for the reception of Provisions Constructed in Columbage of Brick surrounded without with Planks, and Covered with Shingles; at the end of which is a Mill for Sheeling Rice, with the other materials belonging to it.

The said Building situated at 325 Toises from the Fort, to the west, from the side of the River.

The Savage house divided into two parts, the foundation of wood filled with Earth surrounded with boards, Covered with Shingles, and set round with Guard Beds, several doors and windows wanting.

The above Building and works belonging to the Fortifications aforesaid. We the Officers under named have this day delivered Over to Mr Robert Farmar named Commander by His Britanick Majesty, who has received them the said day, according as they are mention'd in the present Verbal Process, which we have joyntly Signed, Stipulated, done and Concluded, at Mobille the day and year before mentioned.—

—Develle fazende

Endorsed (23)—A Verbal Process at—Mobille 20th October 1763.—in Majr Farmar's letter of—24th Jany 1764

Major Farmar addresses the Creeks.

HARRANGUE

By Major Farmar to the Creek Indians.[1]

GREAT Chiefs, Chiefs of Villages, Captains & Warriors, you have heard from the Great Chief of the French, the words of the Great Emperor of the French, relating to the division of this Country, and fixing the Bounderys of the English and French by the River Mississippi.

Open well your eyes to see, and your ears to hear, and you will soon perceive the Love and Affection the great Emperor my Master has for you, who well considering the blood that has been Spilt between his good Friends of your Nation and those who were Friends to the French Emperor; has to prevent the like for the future, agreed with the great Emperor of the French, to Cede and make over to him for ever, all his possessions on the East side of the River Mississippi, that his good Friends of your Nation, and those of the Red men in General, may live in peace and harmony for the future.

That as bad words have been Carryed amongst you to make you believe the English intended to take away your Lands and Drive you out of the Country, to Convince you we have no such thoughts or desires, we do not intend to take possession of the Fort the French have for so many years had in your Country at Albama, and which they agreed to deliver up to the English, unless you shall desire it, and then only to use it as a protection to your Trade, if we shall judge proper to send Troops there, it must be from the Strongest assurance that you will live like good Friends and Brothers with them, and assist them with provisions which they will pay for as has been Customary with the French, or at reasonable price.

I shall only add that as the path is now made white between the English and the French, I hope you our good Friends and Brothers, will endeavour to maintain and keep up that Friendship, and harmony that ought to subsist between white and red men, for the mutual Happiness of both. If you continue to act as good Brothers, I shall not fail to make the great Emperor of England my Master acquainted therewith, who will not fail to make manefest to you the tender regard he has for you as his Children, and who earnestly wishes the red men will use their endeavours to procure peace amongst themselves as they are now become Children of the great English Emperor.

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[1] It was very necessary to conciliate the Creeks, as they were warlike and troublesome and had been much attached to French interests.

Robt Farmar
Majr of 34th Regimt

Endorsed (24)—Harrangue—to the Creek's.—in Majr Farmar's letter of—24th Jany 1764

Major Farmar's speech to the Indians at Albama.

SPEECH to the Savages of Albama[1] at their first coming to Mobile.—Present Major Robert Farmar on behalf of His Britanick Majesty.—And Monsr Dabbadie, on behalf of His Most Christian Majesty.

Great Chiefs, Chiefs of Villages, and War Parts, Considerers and Warriors of Albama Nation, which the great God has sent upon the Earth for to people it, and live as Brothers.

You other Albamas which was Born as free as the white Men, Open well your Ears for to hear the words of Vallour which we are going to Carry to you, in behalf of the Great Emperor of the English, and the great Emperor of the French; take great care that the wind do not carry them away: Open your Hearts that they may enter, & believe that we are at work about good affairs for your Tranquillity, that of your Old men, your Wives and Children.

The Mixture of Lands of the French and English has occasioned (till now) continual Quarrels and Combats which has made to Run Rivers of Blood between the English and French, and between the Red men Partizans of the One and the other.

You weep to this day; your Fathers your Brothers and your Nephews which has lost their Lives, the one in sustaining the part of the English, and the other in Fighting for the French.

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[1] A tribe closely akin to the Creeks. In the beginning of the French occupation of the Gulf region the Alibamons were their most inveterate foes. They were at war with the French in 1702, and again in 1708.

The Two Emperors of France and England has a mind to make the way Even, and render it white all over the Earth; has been at work about good affairs in their great Villages, and says for to prevent Fighting for the time to come, they must Trace out remarkable Lines for to sepperate their Lands. For this purpose they promise the one to the other that their possessions shall be Irrevokably Fixed by a Line drawn thro' the middle of the River Mississippi from its Source to the River Iberville and from thence by a Line drawn thro' the Middle of that River and the Lakes Maurepas and Ponchertrien to the sea for this end His Most Christian Majesty Cedes in all properiety and Guarantees to His Britanick Majesty, the River and Harbour of Mobille, and all that he possesses or ought to possess on the left side of the River Mississippi: (The Town of new Orleans and the Island wherein it is situated being excepted shall remain to France).

By this order of Vallour the Albama Nation will find themselves on the English side, and there is their great Chief who promises to day to supply all your wants, those of your old men your wives and Children, if you are grateful for the words which is Carried to you.

You had a mind to deliver into the hand of the French Chief his Warriors their wives & Children which were born among you, you have accompanied them to Mobille for fear those people who have lost their senses should do them any harm; It is of Vallour and your Father shall always be gratefull for what you have done in that respect.

Look upon the great Emperor of the French as your Antient Father, and do not forget that he carrys you in His Heart; wherever the French meet with you they will Caress you and give you their hand.

Red Men remain Quiet upon your Lands, Work, do your business as Free Men and throw aside the bad words which makes you loose your Senses and disturbs that Peace which Unites Us.

The two great Emperors has seen with Horror the Land red with the Blood of the white and Red Men, which was Spilt on account of the War;—They had a mind for Peace, because they were gratefull one to the other.—Follow then their words which we Carry to you this day, make them of Vallour in your Nation, and never forget them.—

Robt Farmar

Majr of 34th Regimt

Endorsed (25)—Speech to the Savages of—Albama at their First—coming to Mobille.—in Majr Farmar's letter of 24th Jany 1764.

Council with the Chactaws, by Major Farmar and Mons. Dabbadie.

A COUNSEL to be held with the Chacta Nation[1] by the Gouvernour of Mobille, for the English part of Louisiana, and the Governor of Orleans, for the French part of the said Province.

This Fourteenth day of November One Thousand Seven Hundred and Sixty Three. We Robert Farmar Esqr Governor of the English District of Louisiana on the One part, and Dabbadie Director General and Commandant of the French District, on the other part.

Desireing mutually, and as far as may be in our power, to concur in the Union and good harmony which ought to subsist between us, as well in order to second & maintain inviolably the very respectable Intentions of the King of Great Britain & His Most Christian Majesty stipulated in the Seventh Article of the Treaty of Peace concluded the Tenth of February, one Thousand Seven Hundred & Sixty Three, between their Majesty's as to promote the Happiness and Tranquility of the People Inhabiting the two Districts of Louisiana, we have agreed on the following Articles, they meeting with the Approbation of Our respective Monarchs of France and England, the said Articles to be made known & to the three parties which compose the *Tchakta Nation;* and to those known & comprehended by the name and Territory of the *Albamont,* Particular the *Kawitas,* the *Abuas,* the *Chuashas,* the *Kashetas,* and other Dependants on the *Kowitas,* and in fine the *Talapushs* & *Alibamonts:* with whom we will treat in seperate assemblies, the one for the above mentioned *Tchaktaw* nation only, and the other for those Nations known by the name of *Alibamonts*, observing, as far as may be possible, to prevent the above mentioned Indians, *Tchaktaws* & *Alibamonts*, from being together at Mobille.

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[1] The Choctaws were generally friendly with the whites. They were fast friends of the French, and the inveterate foes of the Creeks. As a tribe they were loosely joined together and much given to civil war.

Whereas, the Indian Nations of Tchtaktaws, who have been always under the French Government, & Influence of the Governor of Louisiana, having among them neither Laws nor principles of Government, and of Course being Ignorant of the force that Cessions, made among Civilis'd nations on either part ought to have, may probably take it much amiss that their Lands and Persons should be disposed of without their concurrence.

This being supposed, and considering that the difference of opinion and of Political Sentiments that the *Tchaktaw Nations* entertain, can't fail to occasion Troubles as pernicious to the Subjects of His Most Christian Majesty, as to those of the King of Great Britain; and being desirous to avoid and prevent any disafection or even coolness that might be occasioned between our respective Monarchs, by different Quarrels that may happen between the two Colonies on the right & Left side of the River Mississippi, We (after having proceeded in the common forms & usages, to evacuate and deliver up the Place of Mobille & its dependencies, conformable to the conventions agreed on by the Kings of England and France) have mutually agreed to explain, to the *Tchaktaw* Nations, and to those of *Alibamont*, all the motives for the Changes that are made; in such a manner as to prevent as far as possible all the Consequences of Disunion and misunderstanding which might happen among them, & be occasioned by their bad behavior, and for this purpose it is agreed that the Principal Chiefs of the *Tchaktaw* Nation shall be invited to come on a fixed day to Mobille, in order to address to them the following speech.

An Harangue to the Indian Nations.

Great Chiefs, Chiefs of Towns and of War-Parties, Principal Men and warriors of the Three Parties of the *Tchaktaw* Nation, whom the Great Spirit has placed on the Earth to People it, and to live as Brothers.

Ye *Tchaktaws*, who are Born freemen equally with the white People, Open well your Ears to hear the Great words of Truth which we are about to speak to you from the Great Emperor of the English, and the Great Emperor of the French; take good care not to let the winds blow these words away; open your hearts to receive them; and believe us, that we are only labouring in good affairs, for the Tranquility of You, of your Old men, and of your women and Children.

The Lands of the French and English being intermixed, have occasioned hitherto continued Quarrels and Combats, which have caused Rivers of Blood to run among the English and French, and among the Red men who were Partizans of the One and of the other.

You weep, even this day for your Fathers, your Brothers and your Cousins who have lost their lives, some in supporting the side of the English, and others in fighting for the French.

The two Emperours of France and England, being desirous to clear the Roads, and make them smooth and white thrô' all the Countries, have laboured in good Affairs in their great Towns; and have said, that in order to fight no more, they must mark out distinct Boundaries to divide their Lands.

To this end they have promised, the one to the other, that their possessions shall be irrevocably fixed, by a Line drawn along the middle of this River Mississippi, from its source to the River Iberville, and from thence by a line along the middle of this River and the Lakes Maurepas & Ponchartrair, to the sea. And to this end the Most Christian King gives up in full property and guarantees to His Britanick Majesty the River and Port of Mobille and all which he possesses or ought to possess on the Left side the River Mississippi, excepting the Town of New Orleans and the Island in which it is Situated which shall remain to France.

By this agreement to remain valid and True, your Nation, and the Nation of Alibamonts, find yourselves on the side of the English, who promise to provide for all your wants, and the wants of your Old men, your women & Children; but this only as long as your behavior shall be good, and as long as you shall be very attentive and mindfull of all the words they may speak to you.

As the different white men, English and French who have frequented your Nation have almost always been hitherto the occasion of the bloody Wars which the two Emperours French and English have made, and of the Wars which you red men have made among you, the Two Emperours, to whom the disposer of Life has given more understanding than to you, have said that it was of great Importance to fix once for all a Certain Mark to seperate the English from the French, and that this was the only means to prevent all the evil words which the English have so often spoken against the French, as well as those which the French may have spoken against the English. This mark of Separation, once more is the great River Mississippi.

As you are freemen, who ought to have learn't to think, since you have frequented the white People; the two great Chiefs that you see here present, for the English and the French, assure You this day that, for your Peace and repose, & for the repose of your old men, your women and Children, you ought to conform yourselves inviolably to this agreement.

Hitherto you have always had all your wants supplied by the great Emperour of the French; you will for the future receive equally from the Emperour of the English.

Your Nation has been for along time guided by the French, and under the protection of their great Emperour; they are the first white People you have known, and who have taught you the use of the Fusil.

The French have made you men by furnishing you punctually with Powder, with Ball, with Hatchets, with Tomhawks, and with Sharp weapons for your defence against your Enemies, and to teach you to live, as likewise your women and Children.

The French have supplyed you wherewith to Cover Your Selves, as well as your Old men and Children, they have had Pity on your women and have Supplyed you with goods to trade for what you wanted.

In fine the French are they who have Supplyed you with what was necessary for Planting your Fields, and who have fed you when your Nation has been in want of Provisions; You know this has often been the Case.

For all these benifits you have been attach'd to the Great Emperor of the French, who to convince You how in his Heart he regards your Nation, has appointed presents for a great Number of You, & Merchandize for Traffick with Your Nation.

You have received Presents very punctually, and if You have ever failed to receive them at the time appointed, it has been made up to you by two together.

It has been the same with respect to goods of Traffick, which you have not wanted except when the Navigation of the Great Conois has been interrupted on the great Lake, by the War which the English have had with the French.

Notwithstanding these marks of kindness on the Part of the French the Evil Spirit has possessed many of the Red men, and has caused Troubles and Division among the Nations; which has occasioned the Loss of Poutchimataha, & of many other Chiefs & Warriors of the French and English, for whom we mourn this Day.

The great Emperour of the English, and the Great Emperour of the French have with horrour beheld the Land red with so much Bloodshed: They have made their Peace, and have settled their Lands in such a manner that they will no more be at War.

In order to avoid for the future, all mischeivious talk between the English and the French and between one Indian and another, you must not expect any French man hereafter to come into Your Nation, in the same manner as no Englishman will come among the Nations who are on the French side. These are the words which have passed between the Great Emperour of the English, and the Great Emperour of the French, in order to avoid the Shedding of the Blood of their white People, and to preserve that of the red men.

As a proof that you are very sensible of the kindness of the two great Emperours for the Red People, you ought for the future to employ your selves only with care to live well with the French and the English. You must Stay at home in your Land; the English will supply your wants there, and will make Presents to those who shall deserve them.

You must likewise promise to the two great Chiefs of the

English & of the French, who speak to you this day, that if any Frenchman appears in your Nation without the permission of the Great English Chief of Mobille, you will deliver him into the hands of the English warriours who may be among your Nation; And the Nation who are on the French side will do the same, with regard to any English who go among them.

You ought to pay the French People whatever you owe them; and if any Frenchman is indebted to you, the Great Chief of New Orleans will oblige him in like manner to pay you Your Due.

You must likewise speak in the strongest terms to your Nation to Curb the young men, and to prevent them from doing any harm to the French or English Settlements.

The two great Chiefs, of Mobille for the English, & of New Orleans for the French, here present, and who now speak to you, let you know that if hereafter a Frenchman or an Englishman be killed, neither one nor other of the two white People will furnish you with any kind of succours whatever, 'till such time as the Death of the Englishman or of the Frenchman be Revenged, and Pay'd by the Head of the Red man, who shall have killed him. Hear attentively this word, it is Strong and important; & the English & French promise to Maintain it inviolably.

The two great Chiefs of the French & English on their side, promise the same to the Indians, that is to say, that the Head of the white man who shall have killed a red man, shall be delivered to the Family of him who shall have been kill'd.

But if an Indian, having lost his understanding, attack an English or a Frenchman; and it can be proved that the Frenchman, or the Englishman, has kill'd the red man only to save his own life, & in defence of his own Person, then the Nation to whom the red man belongs shall have no Revenge to demand.

As in like manner, if an Indian kill an Englishman or a Frenchman who attacks him, he shall enjoy the same priviledge, & the French or English shall have nothing to demand of the Nation, if it is proved that the Indian has kill'd the man only in defence of his own Person, and to save his own Life.

Behold, ye Chiefs with Medals, Chiefs of Towns, Chiefs of War Parties and ye principal men of the Thacktaw Nation, the words which the Two Great Chiefs of the French & the English speak to you this Day: it is your Interest to make them prevail thrô' all your Nation, and never to forget them.

We finish this Speech by letting you know, that you will no more be in want of the goods necessary for your Traffick, because the Lands of the Great Emperour of the English, where they are made, are much nearer to you than those of the French, and this is the reason why you have been sometimes poor.

Hear therefore and follow the words of the English, they will speak none to you but white ones. Stay at home in your Lands to hunt & Plant, don't run from one Nation to another to carry and receive mischevious Speeches. Behold the only means to secure the tranquility of you, your wives and your Children.

Do no harm to the French, Remember always, that they have taught you to become Men, and that they have always assisted you as far as have been in their power.

The two Great Chiefs, of the English & of the French, whom you see here present, and who speak to you from the bottom of their hearts, give their words to each other, in the Strongest and firmest manner, to be always friends, and bound together for their common defence; they take each other's hand, as you see, and hold very hard, and again promise each other, never to give you any Supplies whatever, in case you do any harm to an English or a French man, untill the Nation have done justice to the French or English, and have restored to them in kind, or payed in Skins, whatever shall have been taken.

Although you are at present under the protection of the Emperour of the English; The Emperour of the French will not forget you; His Chiefs, and his Warriors will give you their hand and Caress You, wherever they meet you; But the red men must avoid every occasion that may cause them to loose their understanding; this is necessary, to spare the blood of the English, of the French, and of the red People, & in order that the whole Country may be white, & that the roads may be smooth without stones, without Briers, and without Thornes.

We pray the Great Spirit, that wherever you Hunt, there may be a great Plenty of Deer, a great Plenty of Bears & of

Cattle; & we pray to him likewise that your women may bear as many Children as there are leaves on the Trees.

We Pray to him moreover, to give you rain when You have need of it for your Corn, & days of Sunshine without a Cloud to ripen it, and to procure you plentifull Harvests.

This Harangue have been interpreted by Mr Favre Interpreter employed by his Most Christian Majesty, (according to his underwritten Certificate) to the Indians of the Tchaktaw Nation assembled for that purpose, in the presence of the Two Governours of New Orleans & of Mobille and the respective Officers of the Two Crowns who have hereto subscribed: the said Indian meeting having been joyntly agreed on (under the good pleasure of the Kings of France and England) by Mr Dabbadie Governour, for the most Christian King, of the right Division of the Province of Louisiana, & by Mr Farmar Governour, for His Britanick Majesty, of the Left Division of the said Province; these Two Governours, for the Kings of France & England, do promise mutually to fulfill and maintain exactly and bona fide, all the Points and Clauses contain'd in this present Harangue, with regard to every thing which may respect the Savages, and the reciprocal Protection which the Two Monarchs of England and France will, and intend should be granted to their Respective Subjects, with a view to second their good Intentions to prevent all the Calamities of War, and maintain between their Majesty's and their subjects a firm and durable Peace for ever. wherefore, for the more faithfull and more irrevocable execution of what is here above written, the said Messrs. Dabbadie & Farmar oblige themselves reciprocally to take & understand the present Convention in its true sense, that hereafter nothing may remain which can be interpreted contrary to the good Faith and franckness with which they mean to understand it, to explain & and maintain it: the which Convention shall be inviolably executed on one part, and on the other, according to the faith of the rights of Nations, of War, and of the desire so commendable of seconding the respectable views of the two Kings of France and England, nor shall there be made therein, under any pretence whatever, not even that of Reprisals, any kind of Infringement between the two civilized Nations of this Continent with regard to every case concerning them here above mentioned, which may relate to or depend on the two Governors English and French, who do moreover stipulate that if one Nation have cause of Complaint against the other, the whole shall be examined with equal wisdom and prudence, in order to proceed amicably to a just satisfaction, by the Governour of the Jurisdiction to which the aggressor or Delinquent belongs; and have signed with respective officers these Presents with a Duplicate, and have thereunto caused the seal of their Arms to be fixed.

At Mobille the day Month and Year above written.

Robt Farmar Dabbadie
Seal Seal
Develle Aubry

I—the undersigned Interpreter for His Most Christian Majesty Certify that I have Interpreted this day the harangue to the East part of the Savage Chacta Nation, in Presence of Mr Dabbadie, Governor and Commander for His Most Christian Majesty at new Orleans, and Monsr Farmar Governor, for His Britanick Majesty at Mobille; and the English and French Officers undersigned.—

favre

Endorsed (26)—A Counsel held with the—Tchaktaw Nation, at Mobille—the 14th day of Novr 1763—in Majr Farmar's letter—of 24th Jany 1764

Major Farmar's Proposed Appointments.

Military and Ordnance Appointments Humbly proposed for Mobille.

Lieutenant Governor of the Fort
Fort Major
Barrack Master
Battoe Master
Secretary or Clerk
Ordnance Store keeper
A Deputy Judge Advocate to act as a Civil Magistrate in

adminstering Oaths &c, and act as a publick Notary, 'till such time as a Civil Judicature is Established.

Port Serjeant

An Interpreter of the French

An Interpreter of each of the Indian Nations, the French have three that attend their Congress with the Tchacta Nation only.

A Master Gunner

There being neither Officers or men of the Royal Regiment of Artillery, except one Bombardier borrowed from the Detatchment at Pensacola.

Robt Farmar
Majr of 34th Regimt

Endorsed (27.)—Military Appointments—proposed by Majr Farmar.—in Majr Farmar's letter of—24th Jany 1764.

Major Farmar's Instructions to Officers.

By Robert Farmar Esqr Major of the 34th Regiment and Commandant of His Britannick Majesty's Troops in Louisiana.

Instructions to be observed by the Officers Commanding Out Posts.

You are on no pretence what ever, to suffer the men under your Command to abuse, ill treat, or take any thing from the present Inhabitants, or the Native Indians, but oblige them to pay a reasonable price for what they want, keeping up a Strict Discipline, and not to suffer less then a Corporal and four men, to go any distance from the Fort, that his Majesty's Troops may not be exposed, or Insulted.

You are to use your utmost endeavours to Cultivate, and preserve a good understanding with the Indians, obliging all that Trade with them, to deal Justly, taking care that they give full, and just weight, and measure, such as shall attempt in any respect to defraud them, Seize their persons, and Effects, and after satisfying the Indians (which I take for granted will be the Injured party) oblige the agressors to leave the Country, that by these acts of Strict Justice, the Indians may receive a good impression of the English Nation, which their late Masters have endeavoured by every artifice to figure to them in the worst Light.

You are to report to me every opportunity mentioning every extroardinary that may have happened, and if any thing shall Occur to you, that may be for the good of the service, you are to send me the particulars in writing, along with your report.

You are to use every means in your power to prevent French Emissaries from coming among, and seducing the Native Indians, and such as you shall come to the knowledge of, you are to apprehend, and at the same time Seize all their Effects, and send them to Head Quarters, suffering No abuse either to their Persons or Effects; the same step to be taken with all French Subjects trading with the Indians, who have not taken the Oath of Allegiance, and furnished with a pass from me.

I must earnestly recommend the Strickest attention to the nature of the Soil, and Culture of the Country and that you will from time, to time, transmit to me the observations you shall have made, also what Implements in Husbandry is necessary, and actually wanted to Cultivate the Country, that I may be enabled the better to inform His Majesty's Secretary at War, and the Commander in Chief in America, of the State of the Country, and what it is capable of producing, with what may be necessary to improve and advance the Settlement, and the Agriculture thereof; those parts that lie more to the Northward are most likely to produce Grain, or Corn, therefore use every means in your power to learn from the present Inhabitants, whether they have ever tryed if the Land will produce Grain, and what kind succeeds best, you are to observe also, the kind and Nature of the wood, and whether the Country be Mountanious, or Campaign.

You are upon your arrival at your Post, to examine with the utmost exactness, every thing relating to it, particularly the state and condition it is in, and make me a report of every particular, also the distance (as nigh as you can judge or compute) you are from the next post in the way to Head Quarters, with the names of the Rivers in the Vicinity of your Post.

You are to pay due attention to what relates to your self in the administering of Justice, as well with respect to the Inhabitants, as the Native Indians, and all persons that Traffick with them.

Given under my hand at Mobille
this 24th Octr 1763
Robt Farmar

Endorsed (28.)—Instructions to be observed—by the Officers on out Posts.—in Majr Farmar's letter of—24th Jany 1764

Creek Villages and their Population.

Ress en Sement Des Villages Sauvages de la Porte des Alybamons[1]

(Sic Recensement)

Noms des Villages[2]	Nombre de Monde[3]	Distance du Fort[4]
Alybamons		
Packana	50 hommes[5]	300 Pas[6]
Occhanya	100	un quart de Lieu[7]
Thomapas	70	un quart de Lieu
Conchas	20	1½ Lieu
Tastekis	50	1¾ Lieu
Conchatys	150	3 Lieu
	440	
Talapouches		
Mongoulachas	50	3 Lieux[8]
Kanaàt Kés at Couchus	40	3 Lieux
Fouchat chis et touchas	60	4 L
Colomès	50	4 L

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[1] Census of Savage Villages at Fort Alybamons.

[2] Names of Villages.

[3] Number of Population.

[4] Distance from Fort.

[5] Men.

[6] Paces.

[7] One-quarter league.

[8] Leagues.

Telouales	70	5 L
Akfeechkoutchis	15	6 L
Ataches	80	7 L
Chaoukatchis	15	10 L
Teouachis	10	7 L
Totepatches	200	10 L
Ouyoutches	15	13 L
Telechis	200	11 L
Nafape		
	805	

[cont'd]

Noms des Villages[1]	Nombre de Monde[2]	Distance du Fort[3]
Abekas		
Petustatetchis	40	3 L
Tchitchoufke	100	4,, 5,, 8 L
Ouyoukas		
Citchitchapas		
Kalalekis	130	9 L
Okchanyas	130	10 L
Youfalas	100	11½ L
Akfaches	300	12 L
Tchoulouchpouque		
Lillape	80	15 L
Lillapouche		
Ouakokayes	100	15 L
Pakanatalaachis	50	15 L
Petlako	40	18 L
Abekoutches	130	25 L
Conchus	20	25 L
	1220	

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[1] Names of Villages.

[2] Number of population.

[3] Distance from Fort.

Chaouanons		
Chalakagay	50 hommes[1]	25 Lieux[2]
Petilchaouanons	50	3 L
	100	
Tchikachas	40	
Natchez	20	

Noms des Villages[3]	Nombre de monde[4]	Distance du Fort[5]
Kaouitas		
Kaouitas	150	30 L
Chaouaklé	50	31 L
Kachetas	150	32 L
Ouyoutchis	50	33 L
Ouchoutchis	50	34 L
Tchiahas	160	34 L
Aeykite	50	35 L
Apalatchikolis	60	36 L
Okonis	50	37 L
Omolquet	30	38 L
Choothlo	50	39 L
Choothlotchy	50	40 L
Youfalas	60	42 L
Tchoualas	40	45 L
Oeyakbe	30	45 L
	1030	

[6]El yu [Il ya] doutres Villages qui devonent du ressort des

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[1] Men.

[2] Leagues.

[3] Names of Villages.

[4] Number of Population.

[5] Distance from Fort.

[6] There are other Villages that come under the jurisdiction of the Spaniard and only seldom frequent Port Alybamons. "El yu" is obviously a misinterpretation of the original MS.

Hpugenols (Espagnols) et qui ne frequentent que try raranent (trés rarement) Le Porte des Alybamons.

440
805
1220
100
40
20
1030
3655

Endorsed (29.) Names of the Villages—inhabited by the Creek —Indians & the N^o^ in each—Village.—in Maj^r^ Farmar's letter —of 24th Jan^y^ 1764.

Text of the Cession of Tombekbe Post.

A Verbal Process of the Cession of the Post of Tombekbe to M^r^ Thomas Forde appointed by Major Robert Farmar Commanding in the Name of His Britanick Majesty at Mobille, and on the Left side of the Province of Louisiana.

To Day, Twenty Second of November, One Thousand Seven Hundred & Sixty three. We Pirre Chabart Captain of Foot, commanding in the Name of His Most Christian Majesty, at the Post of Tombekbe, and Volentine Dubroca Store keeper for the King at the said Post, In consequence of the Orders which we have Received from M^r^ de Kerlerec Chevalier of the Royal and Military order of St. Louis, Captain of One of His Most Christian Majesty's ships and Governor of the Province of Louisiana, and Dabbadie Commissary General of Marine, and Director of the said Province, for to Cede to M^r^ Thomas Forde, named by Major Robert Farmar, Commanding in the Name of His Britanick Majesty at Mobille, and on the Left side of the Province of Louisiana, according to the Seventh Article of the Definitive Treaty of Peace, concluded at Versailles the Tenth of February One Thousand Seven Hundred and Sixty Three, between His Most Christian Majesty of France and Novaire, and His Britanick Majesty, the said Post of Tombekbe, We have proceeded to the said Cession as follows. Viz^{t}

Fort Choiseul.[1]

The said Fort consisting of Four Bastions, with their Curtains Constructed with Stakes and Earth, with their Banquets, all in good condition except the South side and Banquets.

The Body of the Work serving for appartments to the Officers, The said building placed on Blocks of Wood, and Built on Columbage of Seventy Foot Long, by Twenty Broad, with a Gallery in Front Eight Foot wide, with Twenty one Doors and windows to open with their Shutters and Iron work, Covered with Shingles, the whole in good Condition.

The other Body of the works made use of as a Magazine and Surgery, The said Building Constructed on Blocks of wood, built on Columbage, thirty Foot in Length, and twenty in breadth with Twelve doors and windows to open with their Shutters and Iron work, the whole in good Condition, Six windows without Iron work & Shutters.

The building made use of as a bake house, which building is of Earth, Smooth Built on Columbage, sixteen foot Long, and Fourteen foot broad the Building wanting repairing, the Oven in very bad Condition. The Covering for the Oven, ten foot Long & fourteen foot Broad in good Condition.

The other body of the works made use of as a Magazine, Constructed on Blocks of wood, and built on Columbage with boards of wood on the out side, fifty foot Long, and Twenty foot broad, Sepperated in two parts by a partition on Columbage, Doors and Windows to open with their Shutters, the whole in good condition.

The Guard house and Prison, the Building constructed upon blocks of wood built on Columbage Twenty foot long and twelve broad with four Doors and Windows to open, with two Guard beds the whole in good Condition.

The Barracks

Constructed upon blocks of wood built on Columbage, eighty five foot Long, and twenty foot broad, divided into five Rooms with

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[1] It seems from this that the French called Fort Tombecbe Fort Choiseul.

Sixteen Doors and windows to open, with their Shutters the whole in good condition.

The Shed

Which building is constructed upon Stakes planted in the Ground, surrounded and Covered with Bark, twenty one Foot long, and fourteen foot Broad, the whole in very bad Condition.

The Powder Magazine

The said building of smooth Earth in Mason work twenty two foot long, and fourteen foot broad, Vaulted and Covered with Shingles, the whole in very bad condition and not fit for that purpose, except taken down and Rebuilt.

A small Building for the Interpreter, which Building is Twenty foot Long, and fourteen foot broad built with Stakes, covered with Boards, the whole in very bad Condition, and almost ready to fall.

A small Kitchen for the Officers, which is built on Columbage twenty five foot long, and fifteen broad, covered with Shingles, with four Doors and windows to open with their Shutters, the whole in good Condition.

Two Necessary Houses Built with Stakes Covered with Shingles, One for the Soldiers is forty foot Long, and six broad, the Other for the Officers six foot long and four broad, all with boards in good Condition, with a Door to each, without Iron work, or Locks.

A Building for the Savages without the Fort Built with Stakes, and Covered with Shingles, sixty five foot Long, and Eighteen broad with five Doors, and windows, two of which without any Iron work the whole in tolerable good Condition.

Which Buildings and Fortifications, mentioned in the present Verbal process, We the Officers undermentioned have this Day delivered, with the State annexed of the Cannon, Carriages, Ammunition, and Utensils which belongs to His most Christian Majesty, to M^r^ Thomas Ford, mamed by Major Robert Farmar, Governor Commandant for His Britanick Majesty at Mobille, and all the Left side of Louisiana.

Done at Tombekbe this Twenty Second day of November, One Thousand seven Hundred and Sixty three.

P. Chabert

Valtn Dubroca

(copy)

Endorsed (30.)—Cession of Tombekbe—Fort 22d Novr 1763.—in Majr Farmar's letter of—24th Jany 1764.

Ordnance and Stores issued from Fort Charlotte, Mobile.

Return of Ordinance, and Ordinance Stores delivered out of His Majesty's Stores at Fort Charlot in Mobille, to the several Posts hereinafter mentioned 24th Jany 1764.

5th Novemr 1763 Sent to Tombekbay as follows Viz	
Corn'd Powder Barrells	3
Musquet Shot Cags	2
3 Pound Grape Shot Boxes	1
Round Shot 3 pounders	100
3 Powder Spunge	1
Do Ladle	1
Sheep Skins	2
Copper Measure of 4 Ounce	1
Spunge Tacks	50
Cartridge Paper Reams	1
Priming Horns	2
Priming Wires	2
Horn Lanthorns	1
Musquet Flints	90
Match .... bbs	50
Hand Hatchets	34
Felling Axes	2
Pickaxes	2
Spades	2
Shovels	2
Iron Crows	1
Handspikes	1
Forty penny Nails	100

Thirty penny Do		100
Twenty penny Do		200
Ten penny Do		200
Six penny Do		200
Cartridge Boxes for 3 pdrs		2
Six Pounder Shot Box		1
6th Decemr 1763 Sent to Pensacola		
Iron Swivels	½ pdrs	10
Round Shot for Do 1 Box Containing		400
Spunges and Wadhooks for Do		2
Ladles for Do		1
Horn Lanthorns		2
Small hand Hatchets		12
Pickaxes		50
Bill Hooks		7
Spades and Shovels		58
Felling Axes		34
Ballast Baskets		6
29th Decemr 1763 Issued to His Majesty's 22d Regiment for the use of the Garrisons at Illinois		
Powder Barrells Copper hoopd		51½
Hand Grenadoes....Boxes		3
Iron Ordinance	6 pdrs	4
Iron Do	3 prs	6
Iron Swivels	½ prs	8
Round Shot	6 pds	300
Do	3 pds	240
Grape Shot	6 pds Boxes	4
Do	3 pds Boxes	9
Do for Swivels	Boxes	3
Round Shot for Do 1 Box Containing		400
Aprons of Lead		10
Priming Horns		10
Priming Wires		10
Paper Cartridges	6 pds	300
Do	3 pds	240
Do for Swivels		500
Hand Hatchets		60

Pickaxes		150
Bill hooks		25
Spades		150
Felling Axes		100
Iron Crows		10
Tann'd Hides		3
Hand Screw Jacks		2
Match	lbs	250
Pin Mauls		2
Cags of Tallow		1
Do of Tar		1
Musquet Ball Cags		8
Horn Lanthorns		4
Muscovy Lights		1
Handspikes		10
Rope	Coils	1
Jars of Oyl		3
Musquet Flints 1 Cag Containing		2000
Cap square Keys		16
Copper powder Measure of three pd		1
Do	of ½ pd	1
Sheep Skins		6
Spung Tacks		300
Musquet Cartridge Paper	Reams	6
Cases of Wood for 6 & 3 pds	Each	6
Ladles	6 pds	3
Spunges for	Do	4
Wadhooks for	Do	4
Ladles for	3 pdrs	5
Spunges for	Do	5
Wadhooks for	Do	3
Ladles for Swivels		2
Wadhooks for Do		2

N. B. Issued to His Majesty's 22d Regiment, Two Cags of Musquet Ball 116 bb of Powder, and one Ream and half of Cartridge Paper to compleat the Regiment with 18 Rounds of Cartridges pr Man, which is not Included in the Above Return Robt Farmar

Majr of 34th Regimt

Endorsed (31)—Return of the Ordinance—and Ordinance Stores —Issued from Fort Charlotte—at Mobille—in Maj^r Farmar's letter of—24th Jan^y 1764.

Cannon, Ammunition, &c at Fort Tombekbe.

Return of the Cannon, Carriages, Ammunition and Utensils belonging to His Most Christian Majesty found at Tombekbe, when taken possession of by M^r Thomas Forde appointed by Major Robert Farmar Commanding in the name of His Britannick Majesty at Mobille, and on the left side of Louisiana which Effects have been Ceded this Day the Twenty third of November, One Thousand seven Hundred & Sixty three.

By Us Commandant of His Most Christian Majesty, and Store-Keeper in the said Fort. Viz^t

Artillery	Number
Iron Guns four Pounders	4
" three Pounders	4
" two Pounders	1
" Six Pounder	1
Total	10

N B The whole at present fit for Service, but the Major part of them very old.

Brass Swivels with the Boxes of the same metal returned by weight not being fit for any service

Pounds	570
Two Brass Boxes of the Same metal without Swivels	74
Total	644

Ten Gun Carriages, five with Iron, and four without, and the wood of one intirely burnt

Cannon Ball of different Sizes.......................No 225

Small Tin Boxes filled with Shot for the Cannon Fifty, weighing One hundred and Fifty pounds

Powder Horns for the Cannon	5
Spoons for .... Do	8
Cartridge prickers Do	10
Cannon Scrapers .. Do	1
Matches .... Do 56 pounds	
Aprons .... Do 92 Do	
Rammers	5
Worms	2

Signed by us at Tombekbe the above date

P. Chabert Vn Dubroca

(Copy)

Endorsed (32)—Return of the Cannon—Carriages &c at the Fort of—Tombekbe 23d November 1763—in Majr Farmar's letter of—24th Jany 1764

Ordnance & Stores received at Fort Charlotte, Mobile.

Return of Ordnance and Ordnance Stores Received into His Majesty's Stores at Fort Charlotte, for the use of His Majesty's Garrisons and Posts in the Province of Louisiana.....5th December 1763.—

From Jamaica

Powder Barrells Copper Hoop'd		300	.
Hand Grenadoes ...... Boxes		10	.
Iron Ordnance on Ship Carriages	6 pds	6	.
Iron Ordnance on ... Do	3 pds	6	.
Iron Swivels	½ pds	24	.
Round Shot	6 pds	378	.
Round Do	3 pds	349	.
Grape Shot	6 pds Boxes	6	
Grape Do	3 pds Boxes	12	.
Do Do For Swivels	Boxes	8	.
½ pound Round Shot, 400 in each Box	Boxes	4	.
Aprons of Lead .... Large		18	.
Do of Do .... Small		30	.
Priming Horns		20	.
Priming Wires		50	.

Paper Cartridges	6 pds	500	.
Paper Do	3 pds	600	.
Paper Do	½ pds	2500	.
Small hand Hatchets		50	.
Pickaxes without Helves		49	.
Bill Hooks without Helves		50	.
Spades and Shovels		100	.
Felling Axes without Helves		10	.
Iron Crows		10	.
Tann'd Hides		6	.
Large Single Hand Screw Jacks		4	.
Large Smiths Vice		1	.
Small Hand Do		1	.
Match	lbs	500	.
Pin Mauls		2	.
Caggs of Tallow		2	.
Caggs of Musquet Ball		42	.
Lanthorns		10	.
Muscovy Lights		2	.
Handspikes		24	.
Coils of Rope		4	.
Ballast Baskets		18	.
Caggs of Tarr		1	.
Small Jarrs of Oil		6	.
Caggs of Musquet Flints 2 Containing 2000 Each		4000	.
Cap Square Keys		40	.
Copper Powder measures	of 3 pounds each	2	.
Copper Powder Do	of 1½ pounds Each	2	.
Copper Do Do	of 4 Ounce Each	2	.
Sheep Skins		18	.
Spunge Tacks		800	.
Musquet Cartridge Paper	Reams	14	.
Cases of wood for 6 & 3 pounders each		12	.
Nails of sorts in the Cases of Wood		———	.
Linch Pins		24	.
Saddles for 6 pds		6	.
Spunges for Do		6	.
Wadhooks for Do		9	.

Ladles for 3 pds		6	.
Spunges for D^o		6	.
Wadhooks for D^o		3	.
Tompions for 6 & 3 pounders Each		12	.
Ladles for Swivels		6	.
Worms and Spunges for D^o		6	.
Cases of wood Copper Hooped	32d	2	.
Emery in Paper Baggs	Baggs	2	.

From on Board the Hannah Brigg from New York.

Felling Axes	200	.
Pickaxes	293	.
Hand Hatchets	100	.
Iron Spades	297	.

From on Board His Majesty's Ship the Stag C^t Will^m Bean, Esq^r Commander

Iron Ordnance on Ship Carriages	12 pds	12	.
Iron D^o on Ship Carriages	6 pds	6	.
Iron Swivels	½ pds	4	.
Small Howitzers on Swivels		2	.
Round Shot	12 pds	1498	.
Round D^o	6 pds	553	.
Hand Grenadoes	Boxes	3	.
Grape Shot	12 pds	11	.
Grape D^o	6 pds	4	.
Iron Crows		16	.
Aprons of Lead		22	.
Powder Horns		14	.
Pole Axes		23	.
Pistols		20	.
Paper Cartridges for	12 pds	975	.
Paper D^o ..for	9 pds	52	.
Paper D^o ..for	6 pds	480	.
Spare Trucks		5	.
Spare Axletrees		4	.
Spunges for	12 pds	4	.

Ladles for	Do	2	.
Wadhooks for	Do	4	.
Spunges for	6 pds	4	.
Ladles for	Do	1	.
Wadhooks for	Do	2	.
Musquet Ball in Boxes	Boxes	7	.
Cases of wood		25	.
Cross Barr'd Shot		48	.
Gun Teackles		4	.
Match......lbs		50	.
Copper Measure of 3 pound		1	.

Robt Farmar
Majr of 34th Regimt

Endorsed (33)—Return of Ordnance & Ordnance—Stores Received into His Majesty's—Stores at Fort Charlotte, Mobille—5th December 1763—in Majr Farmar's letter of—24th Jany 1764.

Stores and Ordnance needed at Fort Charlotte.

List of Ordnance, Ordnance Stores and Habliments that are Judged Necessary for Fort Charlotte at Mobille.

	Pounders.	No.	
Ordnance with Shot &c in proportion	12	12	.
	6	12	.
	3	14	.
Brass Field pieces & Stores Compt	6	2	.
Carriages	12	12	.
	6	12	.
	3	14	.
Corn'd Powder Copper Hoop'd	300 Barrells		.
A set of Copper Measures			
Sheep Skins			
Spunge Tacks			
Budge Barrells			
Copper Adzes			
Do Drivers			
Do Vices			

Match	
Tann'd Hides	
Lanthorns	Muscovy
	Ordinary
Powder Horns	
Priming Irons	
Aprons of Lead	
Hand Screws	
Handcrow Leavers	
Crows of Iron	
Linch pins	
Forelock Keys	
Penmauls	
Spikes	
Nails of all Sorts	
Tallow	
Marlin	
Junk	
Hand Grenadoes fixed	
Fixt Fuzes spare for D°	
Musquets	Each 300
Bayonets	
Cartridge Boxes	
Belts with Frogs	
Musquet Flints	
Meal Powder	
Carbine Balls	
Cannon Cartridge paper with twine	
Musquet D° with Thread	
Port Fires & Linch Stocks	
Funnells of Plate	
Sweet Oyl	
Cutting Knives	
Intrenching Tools of all sorts	
Wheel Barrows and hand Barrows	
Labatory Stores of all kinds	
Shot Gauges	
Tryangle Gynn with blocks & Takles compleat	

Gynn Hand Spikes....................................
Gun Hand Spikes....................................
Hair Cloths....................................
Wadmill Tilts....................................
Men's Harness....................................
Horse D^o^....................................

Armourers Tools

Vices....................................
Wrenchers....................................
Hammers....................................
Punches and Cold Chizzells....................................
Iron Braces....................................
Square Bitts of Sorts....................................
Screw Plates with seven Taps....................................
Drills of all sorts....................................
Drill Bows....................................
Drill Boxes....................................
Drill Strings....................................
Brest pieces....................................
Rubbers....................................
Files of all sorts....................................
File handles....................................
Emory....................................
Burnisher....................................
Lock and side nails....................................
Breech nails....................................
Spring hooks....................................
Forge Tonges....................................
Wiping Rods &c &c....................................

N. B. Armourers are greatly wanted there not being One in the Garrison belonging to the Army.

It may be further necessary for the Commissary or some other person to be possessed of Two or Three Hundred pounds in order to defray the Contingent expences of the Garrison which will happen Dayly, and not often Conveniencys of Drawing upon New York Rob^t^ Farmar

Maj^r^ of 34^th^ Regim^t^

Endorsed (34.) List of Ordnance Stores &—Necessarys for Fort Charlotte—in Maj^r^ Farmar's letter of—24^th^ Jan^y^ 1764.

Return of the Twenty-second Regiment.

An Embarkation Return of His Majesty's 22d Regiment of Foot, Commanded by Major General the Honble Thomas Gage, and destined for the Illinois, Mobille 1st January, 1764

	Commission'd Officers				Staff Officers				Non Commission'd			
	Major	Captains	Capt. Lieu-tenant	Lieutenants	Chaplain	Adjutant	Surgeon	Mate	Serjeants	Drummers	Rank and File	Total to Embark
Total	1	1	1	6	1	1	1	1	14	9	239	275

N. B. Besides the above, there is two Lieutenants, two Serjeants & 68 Rank & File to Join from Pensacola, and two Serjeants & 17 Rank & File left sick at Mobille. Sixty three of the above join'd the Regimt the other five were sent to the Hospital here

Robt Farmar
Majr of 34th Regimt

Endorsed (35) An Embarkation Return—of His Majesty's 22d Regimt—1st January 1763.—in Majr Farmar's letter of —24th Jany 1764

Ordnance in Fort Charlotte

List of the number of Different Pieces of Ordnance in Fort Charlotte, Mobille 4th Decr 1763.

		No of each
Iron Ordnance on Ship Carriages	12 pds	12
Do on Do	6 pds	10
Do on Do	3 pds	6
Iron Swivels	½ pds	18
Small Iron Howitzers on Swivels		2

N. B. The Post of Illinois has been supplyed from the above as ℔ Acct. Inclosed.

Rob^{t} Farmar
Maj^{r} of 34th Regim^{t}

Endorsed (36.)—List of the different pieces—of Ordnance in Fort—Charlotte—36. in Maj^{r} Farmar's letter of 24th Jan^{y} 1764

From Captain Farmar to Major General Keppel.

To His Excellency the Honourable Major General Kepple
Govourner of the Havana &c &c &c—

The Memorial of Captain John Farmar of his Majesty's twenty Second Regiment of Foot Commanded by the Honourable Major General Thomas Gage

Most Humbly Sheweth

That his Excellency the Right Honourable, the Earl of Albemarle did your Memorialist the honour to Appoint him Captain the 2^{d} of July 1762 of that Company in the 22^{d} Reg^{t} whereof Major Zobel was formerly Captain—

That immediatly upon his Joining the Regiment he Applyed to Major Zobell (who was then on board ship to the west of the Havana) for the Accounts of his Company, the Major in Answer desired a Corporal might be sent to him in order to Assist him in Settleing the Accounts, as he (the Major) was Indisposed, leave was then obtained from Maj^{r} Johnston who then Commanded the 22^{d} Regiment, & the Corporal sent who Returned after being Absent two days without any Accounts

That Your Memorialist some time after intended to have waited upon Major Zobel personally, but Unluckly that day was ordered for duty, however he desired Lieut. Smith to wait on him, with whome he sent a Serjeant in order to bring any books, papers &c that Major Zobel might have to send, that they Returned without any Accounts, but brought some money which he was at a loss how to dispose of, not having any state of the Company's Accounts that Major Zobel while he was in this Country made frequent promises that he would Settle the Company's Accounts as soon as possible but his going from hence the latter end of the month of August following which was before the Regiment marched from the Cavanas.

Your Memorialist had not an Opportunity of seeing him, but the first Conveyance that offered wrote to him by the way of New York, the fifth day of September 1762, which Major Zobel Answered without Transmitting the Accounts.

Whereupon Your Memorialist wrote to him again the sixtheenth of March 1763, whereto he has not thought proper to make any Answer, Notwithstanding three Vessells have Arrived here, who all sailed at least three weeks from new York after the Vessells Arrival there that your Memorialists letter went by, Major Loftus also wrote to him on the Subject by the same Conveyance and as yet has not Received an Answer

That your Memorialist Apprehends the money he has received from Major Zobel on Account of the Company, will not be sufficient to clear them for the time preceeding the twenty fifth day of April 1762, as many of the men Assert that they have several months pay due them, before that period—

Your Memorialist therefore most humbly prays, that your Excellency will be pleas'd to Represent the present unsettled State of the Company, to his Majesty's Secretary at War, in order that all moneys due from the Government to Major Zobel may be detained in the Agents hands, to be Applyed to the Clearing of the Company, and he be Compelled to deliver in a State of the Company's Accounts, or as to Your Excellency's better Judgment shall Appear most Meet—

Havana on or
about the 4th July 1763

Mobille 14th Febry 1764
a True Copy
Jno Farmar Capt
22d Regimt

Endorsed A Copy of a Memorial—from Captn John Farmar—To The Honble Major General Keppel—Mobille 14th Febry 1764

Repo rt o Maor William Forbes on Pensacola.

Sir

I had the Honor of Yours of the 10th of May last, directing me to acquaint You by the first opportunity of the disposition and situation of the Regim^{t} under my command

I arrived here with 35th Regim^{t} the 30th of Nov^{r} last. The place which is called the Fort consists of about half a Mile of ground in circumference surrounded with a rotten Stockade without a ditch, so defenceless that anyone can step in at pleasure, the Barracks of the Officers and Soldiers are nothing more than miserable bark hutts, without any sort of Fire places or windows, void of every necessary utencil, the Regim^{t} at present is so weak that it can scarcely afford the common Guards, the Artillery Officer requests that a few field pieces may be ordered here.

It is customary for the Indians to come frequently to this place in great numbers, insolently damanding provisions & other things neither of which I have in my power at present to give. I can venture to assure You Sir that this is the real state of the Fort and Garrison I have the Honor to Command. Ever since my arrival here I have had the few men off duty employed under the direction of the Engineer, in making a ditch round the Fort Sixteen foot broad & five foot deep, which when finished I intend to have picketed all round. I thought the above work indispensablie necessary both for the safety of the Garrison & my own Character, & I hope it will contribute in some degree to prevent our being insulted by the Savages. I wrote to Admiral Keppel commanding at Jamaica beging he would order a Frigate or two to be station'd here for a little time until we get the place in some state of defence, I also beg'd he would be so good as send us what number of small craft he might think proper for the use of the publick service here, as we have none & many parts of the service here must be carried on by Water. We have a most extensive fine safe harbour here for any number of first rate ships to ly in which makes the Mercantile people believe that in time this will become a place of great trade. I hope there will be a City and a Fort built for the encouragement of Merchants & Settlers for there are none here at present but a few Settlers and followers of the Army, who more properly come under the Denomination of Pedlars than Merchants.

The soil of the Ground for many miles round the Fort is intirely a deep sand & never yielded anything to the Spaniards, nor ever was atempted to be cultivated by them, I believe with great labour & a great deal of Manure a few pots of Garden ground may be made for the use of the Garrison.

There are plenty of Fish here of different kinds, tho few of them have been in season since our arrival, I believe the climate is much the same with the Havana. The nation of the creek Indians who are said to be very powerfull being called Six thousand fighting men, claim all the lands for above Sixty miles round this Fort, except a very little which is immediately under the Guns of the Fort, which they ceded to the Spaniards One of their Kings with a large body of them has been here the King is a noted Warriour called the Wolf, & I have great reason to believe is our friend but he said that all the land round was their hunting ground, and hinted that as soon as the English should begin to settle the land they would declare War & begin to Scalp the Settlers. I send you inclosed a plan of the Fort which appears fifty times better on paper than it really is. I was in hopes that in these new Colonies where things are so extreamly dear, the Kings provisions would have been continued to the Soldiers, in place of which they are obliged to pay four pence a Day out of their pay for the Rations they formerly had for nothing, & I leave you to judge whether the remaining two pence be sufficient to afford them Shirts Shoes and Stockins &c^a^ or whether they can live and appear like Soldiers.

Inclosed I have the Honor of sending You a memorial which I hope will meet with his Majesty's gracious approbation, thro' your goodness and intercession, when You Honor me with any commands I shall execute them to the utmost of my power, I hope nothing shall be wanting on my part in carrying on his Majesty's service here, I have the Honor to be with great respect

Sir

Pensacola January 30th
1764

Your most Obedient and
most Humble Servant
Will : Forbes Major
Comanding at Pensacola

P: S: The inclosed plan is drawn by Archibald Robertson Ensign of Engineers, he is the only one we have here, & I can venture

to assure You Sir that he is a very ingenious Young Man he is extreamly capable & applies close to his business which he executes with great diligence and exactness—
Endorsed Pensacola - 30th Jany 1764—Recd 18th April—Major Forbes—

From Major Farmar to the Secretary at War.

Sir—

From the proceedings of the Indians who assemble in large Bodys under Arms, and fire at our Men when in the Woods, and many other Insolences of this Nature; I am persuaded that this pacifick disposition which we have hitherto so happyly preserved, and which I have Endeavoured to the utmost of my power to maintain, is likely to be but of short Duration; I therefore thought proper to inform you, of the absolute Necessity I am under of imeadiatly making entire new platforms upon the four Bastions of the Fort as they are at present useless, and the repairing of all the Casements, that they may be in a condition to preserve provisions, They being at present quite unserviceable on account of the Waters soaking through and ruining every Species that is deposited in them, & there is no other convenience in the Fort for that purpose, but Casements; The Magazine for provisions being at such a distance from the Fort and the Garrison so very Weak as makes it impossible for it to be supported or kept teneable in case of a Rupture, so that every means of support for the Troops are at present expos'd to the ravages of the Savages, whenever they think proper; Tho' the best, and most resolute endeavours of His Majesty's Servants will (I don't doubt) be ever Vigorously Exerted to prevent their designs upon this, as well as every other occasion.

I have the Honour to be
Sir
Your most Obedient and most
Humble Servant
Robt Farmar

mobille 2d March 1764
To the Right Honourable
The Secretary at War
Endorsed Mobille 2d March 1764—Rd 12th July—Majr Farmar—

From Major Farmar to the Secretary at War.

Sir

In a former letter I had the honour to send you, I informed you of the immediate necessity I was under of making entire new Platforms at this Fort, as also the restless and turbulent disposition of the Indians; We are at present very peaceable and not under any apprehensions of the kind;—

The various repairs that are absolut'ly necessary here will undoubtedly require a good deal of money, but not having received any orders as yet from the Commander in Chief, I proceed with the greatest precaution, 'tho' I am apprehensive from the survey I have made, that the Arches of the Cas'ments (which have been so long in a mouldering condition) are ready to give way and Sink; In short every place is in a most ruinous situation, The Soldiers Barracks tumbling down, those of the Officers, neither floors, doors, or Windows to them, The Stockades all old and rotten, at the same time we are so distressed for want of money, that I had the greatest difficulty of getting Cash for Bills of seven hundred pounds which I this day drew upon the Lords of the Treasury;—The Troops are also in as bad a Situation, as we have had no Subsistance from America but what Colonel Robertson left with us, which did not exceed nine hundred pounds:—I have hitherto proceeded with the greatest care and frugality, and waited in constant expectation of receiving further Instructions with regard to these affairs; In the mean time (as there must undoubtedly be great repairs and additions made to these Barracks) I beg leave to represent to you, that it wou'd be a great advantage as well as convenience to raise them one Story higher, by which means both Officers and Soldiers wou'd have sufficient and Airy Room, both which we are greatly distressed for especially the Officers besides that the lower places wou'd serve as Stores for provisions &ca in the Fort, a thing so requisite In case of any Attack, that the want of such conveniences must in the end be detrimental to the service: I hope Sir I shall shortly have the pleasure to inform you of a large acquisition of faithful Subjects to His Majesty, only Eight of the French Inhabitants as yet have taken the Oaths of Allegiance, but they have accounts at Orleans that the Spaniards are certainly to have possession of that City, a circumstance if true, that must enlarge the City of Mobille. I propose sending an Officer to reside some little time at Orleans, who with proper conduct and discreet management may implant a favourable Idea of the English Constitution, and be a great means of fixing them under our protection[1]; I shall do my utmost endeavours to clear the passage of the River Iberville, and if 'tis possible take possession of the post at Natches as I find it a place of the greatest consequence, both with regard to Command the River Missisippi, and take possession of the whole Country of Illiones.

I beg your patience to another circumstance with regard to the Works that had like to have escaped me; As one of the Bake Houses is sufficient for the Troops and the present Inhabitants, I am making an addition to the other in order to convert it into Officers Barracks, and propose to live in it myself, at present I am obliged to hire Houses for myself, two Officers & the Commissary; the appartments built for the Officers not being sufficient to contain those that are at present here as I was under a necessity of puting Soldiers in two of the rooms, There are but fourteen small Rooms allotted for Officers, exclusive of the House intended for the Commanding Officer, at present occupied by the Surgeon and his Mate, tho' in a most ruinous condition. I beg pardon for this tedious Letter, &

I have the Honour to be with the greatest respect
Sir—Your most obedient and
most humble Servant
Mobille Robt Farmar
7th of April 1764

The Right Honourable—Welbor Ellis Esqr—His Majesty's Secretary at War.

Endorsed Major Farmer—Rd Tilner Hall—Novr 9th 1764—Mobille 7th April 1764.

From Governor Johnstone to the Secretary at War.

Sir

Since the Returns of Colonel Robertson's Report, I hope you are further convinced of the necessity of a Garrison Staff for the Colony of West Florida; Indeed I think it would be necessary to Establish one, both at Pensacola & the Mobile

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[1] The French of Louisiana were bitterly opposed to the transfer of the country to Spain. It was the policy of the English to offer special inducements to the French colonists to remove to West Florida.

It there appears that the Colony is immediately Intermixed with 8000 fight:g men, of Jealous and Warlike dispositions. That the strictest attention is necessary. That the Regiments are a disproportiond fore to the Services which may be Expected even supposing them Compleat

That at present the two together cannot Muster 300 Effective men and further-upon enquiry that no Positive Effectual methods are taken for recruiting those Regiments tho it is certain that at no time hereafter a force can be so much wanted as at first setting out in settling the Colony

I do not find besides, that any Provision of Beds have been sent for the Poor remains of the Corps which are existing, so that they are now as I am inform'd in a very miserable situation with respect to this article.

Upon each of those Points I would humbly beg to have the Honour of seeing you at any time it may be convenient to appoint. And in case this should not happen before Tuesday I shall attend for your determination then

I am with a Perfect respect
Sir
Your most obedt &
most Hble Servt
May 4th 1764 Geo. Johnstone.
Halfmoon Street

Endorsed 4th May 1764—Govr Johnston—Relating to the Staff —at Pensacola & Mobille.

From Major Farmar to the Secretary at War.

Sir

I received the honour of your letter, wherein you mention our neglect, as well as your own surprise, at not receiving the regular Returns of the Regiment, It is but very seldom that any opportunity offers of sending any dispatches to England from this place, as we generaly hear of the Departure of the Packets from Pensacola before their Arrival; but 'tho' an Inconvenience of that nature must be fully sufficient & satisfactory for our not sending the Monthly Returns as usual; Notwithstanding this, Lieut^t Colonel Robertson who was sent here by Sir Jeffery Amherst, told me, that for the future we were to send all our Returns to Head Quarters in America, and that we were no ways concerned in any thing of the kind, but with the Commander in Chief of this Continent; I of course concluded that all Returns of whatever nature, were forwarded by that Channel to Head Quarters in England; but Sir, since your letter convinces me of the Error I was led into from Colonel Robinson's mistake, I beg leave to assure you that for the future you may depend on my care & attention to your orders, on this, as well as every other occasion

I have enclosed you three Returns for the Months of May June and July, and with send the others that are due by the first opportunity: You will see by the enclosed Returns, that five of the Officers have never yet Joined the Regiment and that we want a Number of Men to compleat us, besides that a great many of our Effectives are very old and Infirm, and ought to be Discharged; and others again who have Enlisted only for a term of years, are not worth detaining, that take them altogether we have scarce a Compleat Company, who can be looked upon as Soldiers fit for Duty, and to make it still worse the Garrison is at present remarkably sickly; These are Circumstances that I think it my Duty to represent to you, well knowing your attachment to the Service, and therefore hope you'll neither think me tedious or troublesome.

The Indians are all Quiet here, and the French are daily coming to take the Oaths of Allegiance[1]; which has all the appearance of its being shortly a flourishing Colony

I have the honour to be with much respect
Sir—Your most obedient
and most humble Servant
Mobille Rob^t Farmar
1st August 1764
The Right Honourable—Welbor Ellis Esq^r

P. S. I beg leave to inform you that we have not any Clergymen

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[1] The French inhabitants were given eighteen months in which to dispose of their property in case they refused to transfer their allegiance.

of the Protestant persuasion in this Garrison, nor any one to Officiate as Chaplain to the Regiment for many Months.
Endorsed Mobille 1st Augt 1764—Majr Farmar

From Major Farmar to the Secretary at War.

Sir

I have the honour of enclosing you the Return for the month of August; in which I have notified the Death of two of our Officers; this place is at this season so dreadfully sickly, that I am greatly afraid for many others, both of our own, as well as the 22d Regt; I have not been able to mount an Officer's Guard these three months; We have accounts of Govr Johnston's safe arrival at Jamaica, & they are in hourly expectation of Him at Pensacola—having such small notice of this opportunity, I have not time to add more than that I have the honour to be

with the greatest respect
Sir
Your most obedient, and
most humble Servant
Robt Farmar

Mobille 15th Septr 1764
The Right Honourable
The Secretary at War

Endorsed Mobille. 15. Sept: 1764—Major Farmar of—the 34th —℞ 9th Janry. 1765

Vacant Commissions in His Majesty's 34th Regmt
Lieutt John Griffiths Died 4th August 1764
Lieutt Hugh Mackay do 5th do—

Robt Farmar
Mobille 24th Augst 1764 Majr of 34th Regimt

Endorsed in Major Farmars of 15th—Sept 1764.

From Major Farmar to the Secretary at War.

Sir

I did myself the Honour of sending you a Return for the month of August, the latter end of last month, by way of New

York; I take the opportunity of enclosing you the return for September by the Packet, and two also of the 22d Regmt for August & September. The Raging fever both amongst Officers & Men, that I advised you of in my last, still continues, & we have no other hopes than that the approaching cold season will effectually put a stop to it. I have sent you a list of the French Inhabitants who have taken the Oaths of Allegiance, & am in constant Expectation of Numbers from New Orleans, as the Session of that City to the Spaniards was made publick last week–

Govr Johnston is hourly expected at Pensacola—

I have the Honour to be, with the greatest
respect—Sir
Your most obedient and
most humble Servant
Mobille Robt Farmar
2d October 1764
The Right Honourable
The Secretary at War

Endorsed—Mobille. 2d October. 1764—Major Farmar of—the 34th—℞ 30th January. 1765.

List of the French taking the Oaths of Allegiance.

A List of the Inhabitants of Mobille in West Florida who have taken the Oaths of Allegiance and Fidelity to His Brittannick Majesty King George the third.—

Harpain Lagautrais
Gerome Matulick
Orbame Demoux
Jean Mitchell Villeroze
Francois Daran
Andre Boullon
Pierre Breneaux
Manuel Lopez
Caurangau die brassillon
Simon Favre
Francois Mersurey
Hugo Emestus Kervs
Anthony Narbon
Jean Baptist Phillipeaux
Augustin Nichs Vincent
Daniel Jacqueri
Claude le Brun
Jean Baptist Alexandr
Angelica Lardas
John Baptist Basdrav
Fredrick le Estap
Piere Martin
Joseph Margot
John Ham
Wersel Laser Reinhart

Piere Rochon
Charles Vidal
Sr Chr De Rouville
Antoney de Verney
Maurice Dullivier
Jean Claude Dupont
Piere Lanson
Jacques Lusein
Jean Baham
Jean francois DeMorsier
Louis forneret
Maurice Montlemard
Philip Clenpetre
Francois Barba
Jacob Martin
Matis Tresnac
Corneret Keller
Louis Carriere
Jean Lafon
Joseph Chastang
Joseph Badon
Valentine Dubroca
Hans Willerips
Francois Colin
Joseph Bouzage
Pare Ferdinand Capuchin
Moris Durand
Piere Gabl Montlemard
Jacco Amon
Piere Cajot
Joseph Mellon
Jean Favre
Jean Baptist le Flau
———Renoroy
Jean Claude Martalle
Piere Zuzan
Louis francois Monloy
Mariane Feavre
Piere Joley
Charles Mioy
Jean Baptist Nicas
Johannes Rohot
Louis de flandre
Joseph Colomb
Mariane Marcellin
Jean Millon
Juliet de brose Azamari
Nicholas Delille
Nicholas Lardnare
Bapt Chrisn Lardnare
Louis Chrs Lardnare
Gabriel St Lorain
Francois Alancet
Jean Rocquet
Francois Gerard
Jean Bapt Levine
Jean Baptt le Flau
Francois Favre
Isabell Alexander
Philip Armon
Piere Rochon
Augustin Rochon
Harpain la gautrais Junr
Francois Alexander
Bartholemew Grelot
Nicholas Calco
Jean Baptst Debodent
John Bapt Lorindine
Piere Gilloroey
Nicholas Champeign
Anthony Lorraine
Francois Chenette
Joseph Bougenon
Maran Breaunea
Piere Hewit
Hendriet Hewit
Francois Remue
Jean Frans Milsant
Nichs Bourie
Jacque Arnald
Henret de livoy
Mungo Law
William Favre
Francois Caminada
Magdelen Madelon
Francois Barnard
Jean Sebin Braquet

Rob^{t} Farmar
Maj^{r} of 34th Regim^{t}

Endorsed List of Inhabitants of—Mobille, who have taken—the Oaths. 112—in Major Farmar's Lre of—2^{d} October. 1764.

From Captain Mackinen to Secretary at War.

Sir

I received the Honor of your Letter of the 14th of July. We had received the Order relating to the Stoppages, on Account of Provisions, long before your Letter, which came by the Hilsborough Pacquet, and the Stoppages have been made agreable thereto.

I have the Honor to transmitt to you, the Returns of the 35th Regiment, for the Months of July, August, September, and October; as we have no opportunity but that of the Pacquet, it is impossible to send them so frequently, or regularly as I could wish.

I am sorry to acquaint you that the poor remains we have of the Regiment, are daily falling down with Inveterate Scurvys; which terminate in Mortifications and Death; and I am afraid that the whole will be in the same condition, as they are destitute of all Vegitables; and their Bedding very bad.

I likewise inclose you the Engineers Report to me of the State of this Place, by which you will see the Miserable situation of the Regiment. I have the Honor to be with the greatest respect

Sir—Your most Obedient
Pansacola—Octr 30th 1764 and most Humble Servant
The Right Honble Welbore Ellis Ro: Mackinen

Endorsed Pensacola 30th Octr 1764—Captain Mackinen—of the 35th—℞ 30th January. 1765.

From Engineer Robertson to Captain Mackinen.

Pensacola 25th October—1764

Sir—

The following is a State of the Works at this place.

A great number of the Stockades round the Fort are allmost rotten severals have lately tumbled down which want to be replaced.

New Banquettes are wanting round a good part of the Fort.

The Powder Magazine wants to be repair'd till such time as a

New one may be Built which will be absolutely necessary when proper materials can be got.

The Officers Barracks want a great many repairs, such as Chimneys, Window Sashes &c &c and few are Watertight.

The Soldiers' Barracks are extreamely bad some of them allmost irreparable and are neither secure against Rain or Wind, have no Chimneys, no proper Cooking places, Floors or Window sashes, to preserve the Men from the inclemency of the Winter season.

The Hospital is in the same bad Condition no Chimney, wants to Floor'd and to have Window Frames Sashes &ca—

The Ditch and Freize are allmost Compleated, the Two Bridges at East and West gates are wanting also a new gate outside of Water gate.

The Stockades for finishing the New Bastion towards the Land are on the spot one third are allready plac'd up but not compleatly fix'd a few more are squared ready for putting up.

I am
Sir
Your most Obedient
Humble Servant
Archd Robertson

To Capt Mackinen

Endorsed The Engineer's Report—of the States of the Garrison —of Pensacola.—Octobr 25th 1764

From Major Farmar to the Secretary at War[1].

Sir

I have the Honour to enclose you the Monthly returns of His Majesty's 22d and 34th Regiments, to 24th Novemr and at the same time take the liberty of informing you, that I am endeavouring every necessary step, to expedite the passage of the Troops up the Mississippi[2]; and to that purpose have sent forward Officers to assemble the different Tribes of Indians, with proper Instructions, to gain them over by every Art and Invention to our Interest, a measure I judged absolut'ly necessary, the prejudices of the Inhabitants all up the Banks of the River, and Its adjacent parts, being so strongly and strangly implanted against us; for to attempt the possession of the Country by violent measures, in the first place, We are too Weak, not having Men sufficient even to Row up the Boats with the Artillery and our necessary baggage; in the next place, the situation of the Savages is so very advantageous, that they must destroy a handfull of Soldiers where they are determined upon opposition, for what can the most determined resolution, on our part, avail, when the moment, a few tired & fatigued Men quit their Oars, (in order to take to their Arms) They are hurried down a rapid River, at the rate of five miles in an hour, exposed to the fire of an Enemy at every turn, that you can neither see, nor discover; the loss and disadvantage of any party so circumstanced, is too obvious to need any further representation; so that I hope at this time to answer the Expectations of my Master, by soothing and cajoling methods occasionally intermixed with threats, & softened by presents, than any force of Arms; And tho' I have been obliged to make large draughts upon the Treasury, yet I trust in the end it will save a much greater expence, and that the success of the Expedition will meet with the approbation of my Country.

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[1] This is the last letter in War Office Series 1, Vol. 49, relating to West Florida. The remaining documents concern the West Indies. A complete copy of the original volume is on file in the Mississippi Historical Department.

[2] For the purpose of providing garrisons for the Illinois posts.

I have the honour to be with the greatest respect

Sir

Your most obedient, and
most humble Servant
Robt Farmar

Mobille
24th Novr 1764

The Right Honourable
The Secretary at War

Endorsed Mobille: 24th Novr 1764—Majr Farmar—Rd 10th March.

PART II.

Public Record Office. Colonial Office—Class 5. Vol.
582. 1763-65. Original papers. Letters and
enclosures to the Secretary of State
from Major Robert Farmar
and Governor George
Johnstone.

TRANSCRIPT OF VOLUME 252, AMERICA AND WEST INDIES SERIES, PUBLIC RECORD OFFICE, LONDON, ENGLAND. (OLD CLASSIFICATION.)

NEW CLASSIFICATION.

COLONIAL OFFICE, CLASS 5

NO. 582.

From General Keppel to Major Ogilvie.

On board the Conquistador 19 July 1763

Sir

Having his Majesty's orders by the Swift Sloop of War the 18 instant, to send Whitmores and Otways Regiments, to take possession of Florida, and the Fort of St Augustin and the Bay of Pansacola, as well as all that Spain possesses to the East or South East of the Mississppi; pursuant to the Stipulation of the 20 Article of the Difinitive Treaty signed at Paris the 10 of Febry last, you are to proceed with the two abovementioned Corps directly to St Augustin, in order to take possession of that Fort, and Pansacola, and to releive the Troops allready sent there by me, The Commanding Officer of whom I have directed to deliver you my Instructions for your further Information, which you are to follow and observe, except in that particular of sending returns to & corresponding with Sir Jeffery Amherst, you are likewise to receive from them whatever Money may remain in their hands, of that which they receiv'd at the Havana (Vizt) 3000 £ Sterling by L^t^ Colonel Prevost, & 1000£ by Capt. Hedges, both of whom I have directed to give you a particular Account, of what Money may have been expended of those Sums: and in case said Money should not be sufficient for the unavoidable Contingencies which may occur, you are to draw Bills on the Lords of the Treasury, giving due Notice thereof; and specifying the services for which such bills shall be drawn, and should you find any Provisions, Stores, Bedding, or other necessaries, which you may judge, shall be requisite for the use of the Troops, and that the Spaniards shall be inclined to part with such, at a reasonable and moderate price, you are to agree for the same, if they appear good in their kind, and in proper Condition, with respect with what may be further necessary to be done must be left to your own prudence and Capacity, which I am well persuaded require no further Instructions for your Conduct in this Command and that you will act with your usual attention to his Majesty's interest and the good of the service

I am Sir &ca

W K

P: S: On your Arrival at Stt Augustin you will be able to judge, of the most practicable method to releive the Garrison of Pansacola, and if upon enquiry it proves impossible to do it by Land, without greatly fatiguing the Troops, then in that case you are to hire a Vessel and Charter her agreable to the usual Custom, and embarking such detachments as you think proper to send; they are to proceed directly to Pansacola which Vessel by her charter must engage to take ye present Garrison of that Fort (exclusive of the Detachment of Artillery) aboard and carry them to New York.—

To
Major Ogilvie of the 9th Regt or Officer
Commanding the Corps destined for Florida.

Endorsed 19 July 1763—His Excellency Major—Genl Keppel's Instructions—to Major Ogilvie or Officer—Commanding the Corps—destined to Florida.—Copy sent to the Lords of the—Treasury 21st Septr 1763.

From General Keppel to Major Farmar.

On board the Conquistador 19 July 1763

Sir

Having received his Majestys Orders by the Swift Sloop of War the 18 instant, to send Gages and Cavendishs Regiments, to take possession of the River & Port of Mobile, and of all that France posseses on the Left side of the River Mississppi, except New Orleans pursuant to the stipulation of the 7 Article of the

Difinitive Treaty Signed at Paris the 10 of Febry last, you are to proceed with the two abovementioned Corps to the Mobile, in order to take possession of that Fort &c^{a} agreable to the purport of the aforesaid Article for which purpose I herewith give you his Most Christian Majestys orders to His Governor there for the delivery thereof: when this is effected you are to acquaint his Majestys Secretary of State, and you are likewise to send returns of the Troops under your Command, to the Secretary at War, & to the Adjutant General, for the Commander in Cheif; and in case you should find any Provisions, Stores, Bedding, or other necessaries which you may judge shall be requisite for the use of the Troops, and that the French shall be inclined to part with such articles, at a reasonable & moderate price, you are to agree for the same, if they appear to be good in their kind, and in proper Condition: and as you will want Money for this service, as likewise for any other unavoidable contingencies which may occur, I am directed to desire that You draw bills on the Lords of the Treasury giving due Notice thereof, and specifying the service for which such bills shall be drawn.—

As you are to touch at Jamaica I shall write to Rear Admiral Keppel to supply you with whatever provition or Ammunition may be requisite for the Troops, & returns of what I am now able to put on board you, are herewith given to you.

With respect to what may be further necessary to be done must be left to your own prudence, and Capacity which I am well persuaded require no further Instructions for your Conduct in this Command, but that in every thing you will act with your usual attention to His Majestys Intent and the good of the Service.

I am Sir &c^{a}
W K

To
major Farmar of 34 Reg^{t} or Officer
Commanding the Corps destined for the Mobile

Endorsed 19 July 1763—His Excellency Major Gen^{l}—Keppels Instructions to Major—Farmer or Officer Commanding—the Corps destined to—Mobile—Copy sent to the Lords of the—Treasury 21st Sept^{r} 1763

From General Keppel to Colonel Prevost.

Instructions for Lieut Colonel Prevost of His Majestys 60th or Royal American Regiment of Foot which he is to follow and observe, untill the Kings pleasure is further signified to him from England or by a Governor appointed by His Majesty for Florida.

Whereas by a Treaty of peace concluded and ratified the 10 of March at Paris between His Majesty and the Court of Spain· His Cath: Majesty cedes to Great Brittain all Florida, with the Forts of S^t^ Augustin, & Pansacola &c^a^ agreable to the 20 Article of said Difinitive Treaty; of which the following is a litteral Copy

(Here is incerted the 20 Article)

1st In consequence of this article and having read orders from the Court of Great Britain to evacuate and deliver up the Havana, to His Cath: Majesty, by the hands of His Excellency the Count de Ricla, who at the same time brings orders to the Governor of Pansacola to put that Fort, and its Dependancies into the possession of such Commissary as shall be appointed, on the part of Great Brittain, which order is herewith delivered to you I do therefore direct and appoint you to proceed with the 3d Battalion of His Majestys Royal American Regiment, under your command, and to receive in the Name of Great Brittain from His Cath: Majestys Governor, The Fort of St. Miguel de Pensacola in Florida with all its dependencies agreable to the aforecited 20 article in the Difinitive Treaty of Peace between the two Crowns; Which said Article I do hereby command and require you, to comply with strictly in all the several points therein expressed.—

2dly I have directed Capt Pringle the Deputy Pay Master General to pay into your hands, the sum of three thousand pounds Sterling on account of the Subsistence of the Regiment under your Command, and any other unavoidable Contingencies that may occur; Which sum of three thousand pounds Ster.g you are to account for to the Pay Master General at N. America, or such Person as he shall appoint.—

3 I have likewise directed Lt Colonel Moneypenny the Deputy Quarter Masr General, to put aboard you a proper quantity of

Provisions, not only for your Passage but for six Months after you arrive there; Which provisions I desire you may be extreamly careful of & account for it to the Quarter Mas^r Gen^l in N America, or such person as shall be appointed for that purpose. 4thly You are constantly to send Monthly returns to the Secretary at War, and to the Adjutant General for the Commander in Chief, and to Correspond with the Commanding Officers at S^t Augustin & the Mobile, or such person as His Majesty has appointed or shall appoint Governor of Florida, under whose orders you are to put yourself, as soon as he shall be declared, And if he should not yet be arrived you are to acquaint the Secretary of State by the first opportunity of your having taken possession of that Fort agreable to my orders and likewise you are to correspond with & send returns to the Com^r in Chief in N America. But in case you should find any English Garrison in the aforesaid Fort of Pensacola, you are then to proceed to New York & put yourself under the Command of Sir Jeffery Amherst, who will dispose of you agreable to orders, he may have received from England.

Given under my hand & seal at the
Havana this 3d day of July 1763
(signed) W K

Endorsed Instructions for Lieut—Colonel Prevost of His—Majestys 60th or Royal—American Regiment of Foot—Havanah July 3d 1763.—Copy sent to the Lords of the—Treasury 21^st Sept^r 1763.

From Lord Egremont to Commanding Officer of Country Ceded by France.

Whitehall 21^st May 1763

Officer Commanding Gage's &
Cavendish's Regiments at the
Mobile, and the Country ceded
by France on the Left of the
Mississippi.

Sir

As Sir Jeffery Amherst's Commission, under the Great Seal, of Commander in Chief of all His Majesty's Forces, in North America, includes the Country ceded by France on the Left Side of the Mississippi, of which You have been ordered to take Possession with Gage's & Cavendish's Regiments; I am to signify to You the King's Pleasure, that You do obey all such Orders, as You shall receive for Your Conduct, from Sir Jeffery Amherst, or the Commander in Chief for the Time being of His Majesty's Forces, in North America, to whom You will make constant Reports of Your Proceedings & of the State and Condition of the Places, and of the Troops under Your Command.

I am &c^a^
Egremont

Endorsed Dra^t^ to the—Officer Commanding—Gage's & Cavendish's—Regiments, at the Mobile,—& the Country ceded by —France on the Left of—the Mississippi.—May 21^st^ 1763.

From Captain Hedges to Secretary at War.

My Lord

I had the honour to write to you from S^t^ Augustine, acquainting your Lordship of my having taken possession of that Town & Fort, with its dependencys agreable to General Keppell's orders; but I find that the Ship by which my dispatches were sent is not yet arrived.

I was relieved by Major Ogilvie, with the 9th Regiment to whose letter I beg leave to refer you.

I am
My Lord
Your Lordship's
most obedient
& most humble Serv^t^
John Hedges

Portsmouth
Sept^r^ 4^th^ 1763,

Endorsed Portsmouth Sept^r^ 4^th^ 1763—Capt Hedges—℞ 5^th^

(*French Version.*)

From the Duc de Choiseul to Governor Kerlerec.

Copie—

À Versailles le 12 Avril 1763.

Cette Lettre vous sera remise, Monsieur, par le Commissaire, que le Roy de la Grande Bretagne envoye à la Louisianne pour concerter avec vous les Arrangemens provisoires necessaires à prendre pour la reception des Garnisons Angloises qui seront envoyées pour prendre possession du poste de la Mobile et des autres postes situés sur la rive gauche du Fleuve du Mississippi que le Roy a cedés à Sa Majesté Britannique par le traité Definitif.

L'intention du Roy est que vous receviés le dt Commissaire Anglois avec les autres Personnes qui seront à sa suite pour le seconder dans l'execution de sa Commission, et que vous preniez avec Lui toutes les Mesures les plus convenables pour faciliter l'evacuation des dts postes et pays conformement aux Stipulations du Traité Definitif de la Paix qui a été signé à Paris le 10 Fevrier dernier.

J'ai l'honneur d'etre &c

Le Duc de Choiseul

Superscribed.

À Monsieur,[1]
Monsieur de Kerlerec[2]
Gouverneur pour Le Roy[3]
a La Louisianne.—.Duc de Choiseul[4]

Endorsed Copy of Letter from Duc—de Choiseul to M^sr^ Kerlerec,—Gov^r^ of Louisiana.—Versailles April 12: 1763.—to admit Commissary—Original sent to Gov^r^ Keppel—April 18; 1763.

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[1] To Mister.

[2] Mister de Kerlerec.

[3] Governor for The King.

[4] At Louisiana.—Duc de Choiseul.

(*English Translation.*)

From the Duc de Choiseul to Governor Kerlerec.

Versailles, 13th. April, 1763.

This letter shall be delivered to you, Sir, by the Commissary the King of Great Britain is sending to Louisiana to plan with you the provisional arrangements it is necessary to take care of the English Garrisons which will be sent over to take possession of the post at Mobile and the other posts along the left-hand bank of the Mississippi River which was ceded by the King to His Britannick Majesty by Definitive Treaty.

It is the purpose of the King that you should receive the said English Commissary together with the other persons attached to his staff to assist in the fulfilment of his Commission, and that with him you should take every and the most expedient measures to facilitate the evacuation of said posts and country in accordance with the terms of the Definitive Peace Treaty signed in Paris the 10th. of February, last.

I have the honour to be, etc.,

The Duc de Choiseul.

From Lieut. Colonel Provost to Secretary a War.[1]

My Lord

By order of Major Genl Keppel I left the Havana July the 6th with the third Royal American Battalion under my Command, to take possession of Pensacola, where contrary winds prevented my arrival untill the 6th of August.

I immediately waited on the Spanish Governor deliver'd the Letters from the Court of Spain and demanded the Place; which was readily complied with, but as the Count de Ricla Governor Genl of the West India Islands had not sent transports to carry off the Troops, Inhabitants, and military Stores I was obliged to disembark and cantone the Battalion in some Hutts without the Stockades and waite for their arrival; which hapened in a few days; but the numerous Stores they had to put on board together with their indolence, even though assisted by the man of war & Troops, detained the Embarkation 'till the 2d of September, & next day they Sailed for Vera Crux.

Pensacola is a small Village consisting of about one hundred huts surrounded with a Stockade Situated on the West side of a very large bay at four leagues distance from the Sea; the Entrance form'd by the Long Island of Saint Rose is but narrow and somewhat difficult from the lowness of the Land the Passage is not easily discovered, the depth of which is scarce four fathoms..

Upon the point of the Island Saint Rose is a Small Square Stokade where the Spaniards had two guns, rather as a Signal House than any defence.

The Country from the insuperable Laziness of the Spaniards remains still uncultivated, the woods are close to the village and a few hawltry Gardens shew the only improvements.

The Climate is not yet healthy, the soil round the Village though sandy is able to produce vegetables, further back in the Country the land is good and capable of any Improvement—but years and a number of industrious Setlers can only make a Change upon the face of the Colony.

Stock they had none, being intirely Suplied from the Mobile, a place pretty well cultivated & producing sufficient for export.

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[1] Report on the occupation of Pensacola, August 6, 1763.

Game is extremly plenty in the Woods and the Sea Supplies quantities of fish of different sorts & good.

The Indians are numerous and near, I have had within these few days a Visit of upwards two hundred of five of differents Nations —from my present situation, I had it not in my Power to make them any presents, being only able to supply them with some Rum, with which they appeared Satisfied, assuring me at their departure of their peceable intentions and promising to return soon with some principle Warriors; at the same time desiring none of their young men should be insulted by the Troops; this was readily agreed to, and upon their going off they left me some white feathers in token of Friendship.—However as I since learn of their Crueltys lately committed in America and putting no great confidence in their promises, I shal put this place in the best situation, the Time and weakness of the Battalion will allowe to prevent any Surprise.

The short time I have been here & the hurry I am in in regulating deffense of the fort prevents my giving Your Lordship a more accurate and particular account of this place.

I have the honour to be
My Lord
Your Lordship's most obedient
& most humble Servant
A Prevost Lt Coll of the 60th Regt

Fort Pensacola the 7th Sepr 1763.

Endorsed Fort Pensacola 7th Septr 1763.—Lieut Colonel Prevost.—℞ 18th Janry 1764.

From Major Farmar to Lord Egremont.[1]

Mobille 24th Januy 1764.

My Lord

I have the Honour to inform your Lordship, that on the 20th of October last, with His Majesty's 22d & 34th Regiments, I took Possession of the Fort and Town of Mobille, and on the 6th of November detatch'd a Subaltern and Thirty Men in five

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[1] Report on occupation of Mobile, October 20, 1763.

Battoes for Tombeckbay who arived there the 22d, and the same day relieved the French Troops, this Post is reconed by the French to be one Hundred Leagues from hence by water, although the Indians travel it in Eight days by Land—

The 2d of the present Month, the 22d Regiment began to Embark on board two small Transports, and on the seventh all the Men, Artilery, Strores, and Baggage were on board, but the Northerly winds having blown for some days, which forces the water out of the Bay, one of the Transports was aground, however by lightening of her in putting the Men, Stores, and Baggage on board of a Victualling Ship, and some Boats, she was got off, and on the 12th proceeded for the Mouth of the Mississipi. These Transports are to carry the Troops to New Orleans, where Boats are prepared for them to proceed up the River to Iillinois —a Captain of the 34th Regiment is gone with them as far as where the River Iberville communicates with the River Mississipi, in order to Examine whether it is not practible with fifty or Sixty Men, to clear that River, so that Boats drawing three foot water may pass into the Mississipi, and not be exposed to the dangerous Navigation of entering the mouth of that River, and to be at the Mercy of the French in passing New Orleans, especially as I purpose sending a Captain with fifty or Sixty Men to take Possession of a Post call'd Natchize, about Eighty Leagues North from New Orleans, upon the River Mississipi, which the French have abandoned since the Peace, and I do Imagine, since it was authentically made known to them.

A Corporal and six men I have sent to the Isleand Dauphin to be assisting to the Pilot in going off to Ships, as the Bar is very dangerous, and no Inhabitants upon the Isleand.

Inclosed I have the Honour of Transmitting to your Lordship, Reports of the Condition of the Fort, Number of the French Inhabitants fiew of whom I believe will remain here, unless the Report of New Orleans being Ceded to the Crown of Spain should prove true, which Circumstance will be a means of making this Country of more Importance to England—

That I may not be thought presumptious in this address, it is encumbent on me to acquaint your Lordship, that I was enjoined so to do by the Orders I received from Major General Keppel.

As I receiv'd particular Orders from the Secretary at War to communicate every occurrence to him, I have wrote more at length upon this Subject to him, Judgeing it more Immediately related to his Department, at the same time apprehending a precise Detail of these trivial transactions would be rather intruding upon your Lordships time, therefore to avoid being so troublesom for further particulars relative to the behaviour of the French, the Situation of the Country, the produce, and Importance of it to Great Britain, and every other particular, I most Humbly beg leave to refer your Lordship to Capt Bayne who Commands His Majesty's Ship Stag, that Convoyed the Troops from Jamaica, to this place, and who has been present at almost every Transaction here, and who has done every thing in his power to promote and forward the service with the utmost alacrity—

I have the Honour to be
My Lord
Your Lordships Most Obedient and
Most Humble Servant
Robt Farmar—Majr of 34th Regimt

Rt Honble
the Earl of Egremont one of His
Majesty's Secretarys of State.

Endorsed Mobile. 24th Janry 1764.—Major Farmar—℞ 18th April.

List of Folios sent to Secretary at War.

[Folios 35 to 185 consist of copies of various enclosures which were sent by Major Farmar to the Secy at War Lord Barrington. As these have been already copied in the War Office volume (15)[1] they are not here repeated, and are as follows:

fo. 35. [No. 3] Report of the State of Fort Charlotte at Mobile 30 Nov. 1763

fo. 39 Extract from Letter [No. 1] Majr Farmar to the Secy at War Jan 1764 Begins:—"I transmitted to Sir Jeffery Amherst..
.........intended for Presents to the Indians.

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[1] These documents appear in the beginning of this volume.

Not knowing the Intention of the Government" to end of letter and P. S.

fo. 57. No 2. Instructions by Farmar to the Creek Indians' Interpreter 10 Jan. 1764

fo. 61. No 3. Report of the State of Fort Charlotte. [Same as fo 35]

fo. 65. No 4. Account of Utensils &c received from H. M. C. Matys storekeeper 2 Nov. 1763

fo. 69. No 5. Ltt Ford to [ ] Tombekbe Fort 24th Jan. 1763.

fo. 75. No 6. Paper headed:—"Noms des Villages des differentes parties de la Nation Tchactas.......et le nombre des guerriers" &c

fo. 79. No 7. List of French presents given to the Tchacta Nation. Mobille—1 Dec. 1763

fo. 83. No 8. State of the Revenue of Louisiana &c whilst under the French.

fo. 87. No 9. Account of the Produce of His Majesty's Province of Louisiana.

fo. 91. No 10. List of Majr Farmar's Nomination of Officers, Mobille 20 Sep. 1763.

fo. 95. No 14. Majr Farmar to Monsr Dabbadie. 9 Novr 1763.

fo. 99. No 15. Extract of Letter Lt Forde to [ ] Tombeckbe Fort 3d Dec 1763

fo. 103. No 17. Paper headed:—"Etat des Effets & Uteciles appartenant à sa Majesté trés Chretienne...La Mobile. &c

fo. 111. No 18. Monsr Kerlerce to Major Farmar 2 Oct. 1763.

fo. 119. No 20. French manifesto published by Farmar Mobille 20 Oct. 1763

fo. 123. No 21. Minutes of some Necessary Establishments for the Port of Mobille.

fo. 127. No 23. Verbal Process at Mobille 20 Oct. 1763 (in 2 columns) Fr. and English signed "Develle–Fazende" but here the signatures have been by mistake copied "H Develle–Farmer."

fo. 135. No 24. Harrangue to the Creeks.

fo. 139. No 26. A Counsel held with the Tchactaw Nation Mobille 14 Nov. 1763, the signature of "Dabbadie" is by mistake copied "Hubbaire" & "Develle" omitted.

fo. 157. N° 28. Instructions to be observed by the Officers on Outposts.

fo. 161. N° 29. Paper headed "Resseusement des Villages Sauvages de la Porte des Alybamous," [at end the following note is more correctly rendered] "Il ya d'autres Villages que devonent du ressort des Espagnols et qui ne frequentent quetrès rarment Le Porte des Alybamons."

fo. 165. N°. 30. Cession of Tombekbe Fort 2 Nov. 63

fo. 169. N°. 31. Return of Ordnance &c issued from Fort Charlotte Mobille 24 Jan. 1764.

fo. 173. N° 32. Return of the Cannon &c at the Fort at Tombekbe 23 Nov. 1763.

fo. 177. N° 33. Return of Ordnance &c received into Fort Charlotte, 5 Dec. 1763

fo. 181. N° 34. List of Ordnance &c necessary for Fort Charlotte

fo. 185. N° 36. List of the Number of different Pieces of Ordnances in Fort Charlotte 4 Dec. 1763]

From Major Forbes to Secretary of State.

My Lord

I did myself the Honor of writeing You from South Carolina, which I hope came safe to hand. I arrived here with the 35th Regimt under my command, the 30th of Novr last, I think its my duty to send your Lordship, the most exact state of this Fort, & Garrison, in my power. The place which is called the Fort, consists of about half a mile of Ground in circumference, surrounded with a rotten stockade without a ditch, so defenceless that any one can step in at pleasure, the Barracks of the Officers, and Soldiers, are nothing more than miserable bark hutts, without any sort of Fire places, or windows, void of every necessary utencil. I enclose to your Lordship a plan of the Fort, which appears fifty times better upon paper, then it really is, the Regimt at present is so weak, that it can scarcely afford the common Guards, the Officer of Artillery requests, that there may be a few Field pieces ordered here; it is customary at this place, for the Indians to come frequently, in great numbers, insolently demanding provisions, & other things, neither of which I have at present in my power to give, I can assure your Lordship, this is a true state of the Fort, & Garrison, I have the Honor to command; ever since my arrival here, I have had the few men off duty, employed under the direction of the Engineer, in making a ditch round the Fort, Sixteen foot broad, & Five foot deep, which when finished, I intend to have picketed all round, I thought the above work indispensablie necessary, both for the safety of the Garrison, & my own Character, I hope it will contribute in some degree, to prevent our being insulted by the Savages.

I wrote to Admiral Keppel commanding at Jamaica, beging he would order a Frigate, or two, to be station'd here, for a little time, 'till we get the place in some state of defence, I also beg'd he would be so good as send us what number of small craft, he may think proper, for the use of the publick service here, as we have none, and many parts of the Service must be carryd on by water, we have a most extensive fine safe harbour here, for any number of first rate Ships to lie in, which makes many of the Mercantile people believe, that in time this will become a place of great trade, but before that happens, there must be a City, and a Fort built, & Inhabitants sent here for the City, for there are none at present, but a few Suttlers & followers of the Army, who more properly come under the Denomination of Pedlars, than Merchants; we are informed there is a Gov^{r} appointed, but for my part untill the Country is greatly improved, I know nothing he has to Govern, except a few of the sort of people I have mention'd, the Soil of the land for many miles round the Fort, is intirely a deep sand, and never yielded anything to the Spaniards, nor ever was atempted to be cultivated by them, I believe with great labour & a great deal of Manure, a few spots of Garden ground may be made, for the use of the Garrison.

The nation of the creek Indians, who are said to be very powerfull, being called Six thousand fighting men, claim all the lands for Sixty miles round this Fort, except a very little, which is immediately under the Guns of the Fort, which they ceded to the Spaniards, One of their Kings, with a large body of them, has been here, the King is a noted warrior, called the Wolf, & I have great reason to believe is our friend, but he said that all the land Round, was their hunting ground, and hinted, that as soon as the English began to settle the lands, they would declare War, & begin to Scalp the Settlers, by which your Lordship will easily see, that without first purchasing the Lands from the Indians, there can be no possibility of settling a Colony at Pensacola, as to me, if I had the Regimt compleat, and a tolerable Fort built, I should bid them defiance, I was in hopes in those new Colonys, where every thing is so extreamly dear, that the Kings provisions would have been continued to the Soldiers, in place of which, they are stop'd four pence a day, out of their pay, for the rations they formerly had for nothing, & I leave your Lordship to judge, whether the remaining two pence, be Sufficient to afford them Shirts, Shoes, and Stockings &c^a^, or whether they can live and appear like Soldiers; there are plenty of Fish here of different kinds, tho few of them have been in season since our Arrival; I believe the climate much the same with the Havana.

I hope your Lordship will do me the justice to believe, that nothing shall be wanting on my part, in carrieing on his Majesties service here, to the utmost of my capacity; it would make me happy, to have your Lordships approbation of my conduct, & to receive your commands, I have the Honor to be with the greatest respect— My Lord

Your Lordships most Obedient, and
most humble Servant
Will: Forbes.

Pensacola January 29th—1764.
[plan endorsed]
Plan and Sections of the—Fort at Pensacola,—In Major Forbes's Letter, of the—29th Jany 1764

I had a letter from the Secretary at War, desireing me to let him know the State of the Regiment, and Garrison under my command, which I have done by Captain Bain of the Stag, who I hope will take care to send this safe to Your Lordship.

There is one James Noble here who has been formerly a master of a Merchant Ship he arrived here from the Havana two months before the troops took possesion of the place he gives out that he has purchased great tracts of land from the Spaniards that were here on Account of several Gentlemen who he says employed him for that purpose.

I enclose to Your Lordship a coppy of some proposals he has made which is thought by the Navy Officers & Masters of Merchantmen will be of great service if Your Lordship approves of them I suppose You will give directions accordingly.

Endorsed Pensacola, 29th Janry 1764.—Major Forbes.—℞ 18th April.

Mr Noble proposes that as the safety of his Majesty's Ships as well as trading Vessels depends greatly on the certainty of the land which hereabout is very difficult to be known for which reason if the Government will allow a Tax to be laid on all Merchants & coasting Vessels to be colected by the Colector of his Majestys Customs counting the Dollar at 8 bitts he will oblige himself at the rate of half a bitt ꝑ Ton to erect such Beacons or land marks that may be necessary for the knowledge of the Fort & direction for coming in at all times as also a place where signals may be made for the early advice of Vessels coming on the Coast.

Endorsed Mr. Noble's Proposals for—Erecting Beacons at Pensacola.—In Major Forbes's Letter, of the—29th Janry 1764.

From Major Farmar to Lord Egremont.

Mobille 13th Feby 1764.

My Lord

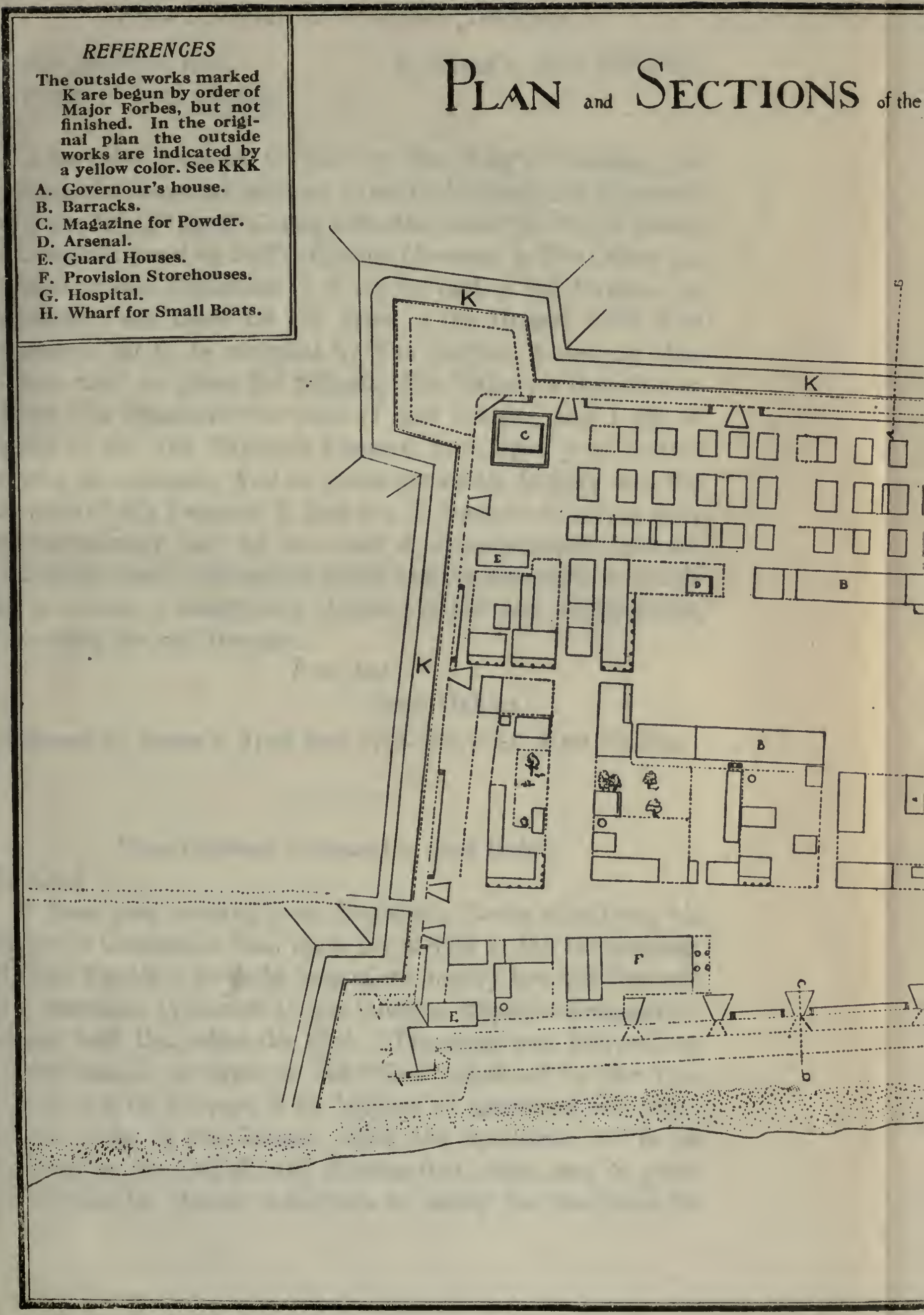
I am Honoured with your Lordship's Letter of the 9th July, Containing His Majesty's Instructions with Respect to the Trade and Commerce of this Colony, which I shall strictly comply with.

With repect to the Revenue of this place there is none at present, and the French Commandant whom I Reliev'd inform'd me, that there never had been any Established.

I have the Honr to be
My Lord,
Your Lordships
Most Obedt and Most Humble Servt
Robt Farmar

Righ Honble The Earl of Egremont
One of His Majesty's Principal
Secretarys of State.

Endorsed Mobille. 13th Febry 1764—Major Farmar.—℞ 3d May.



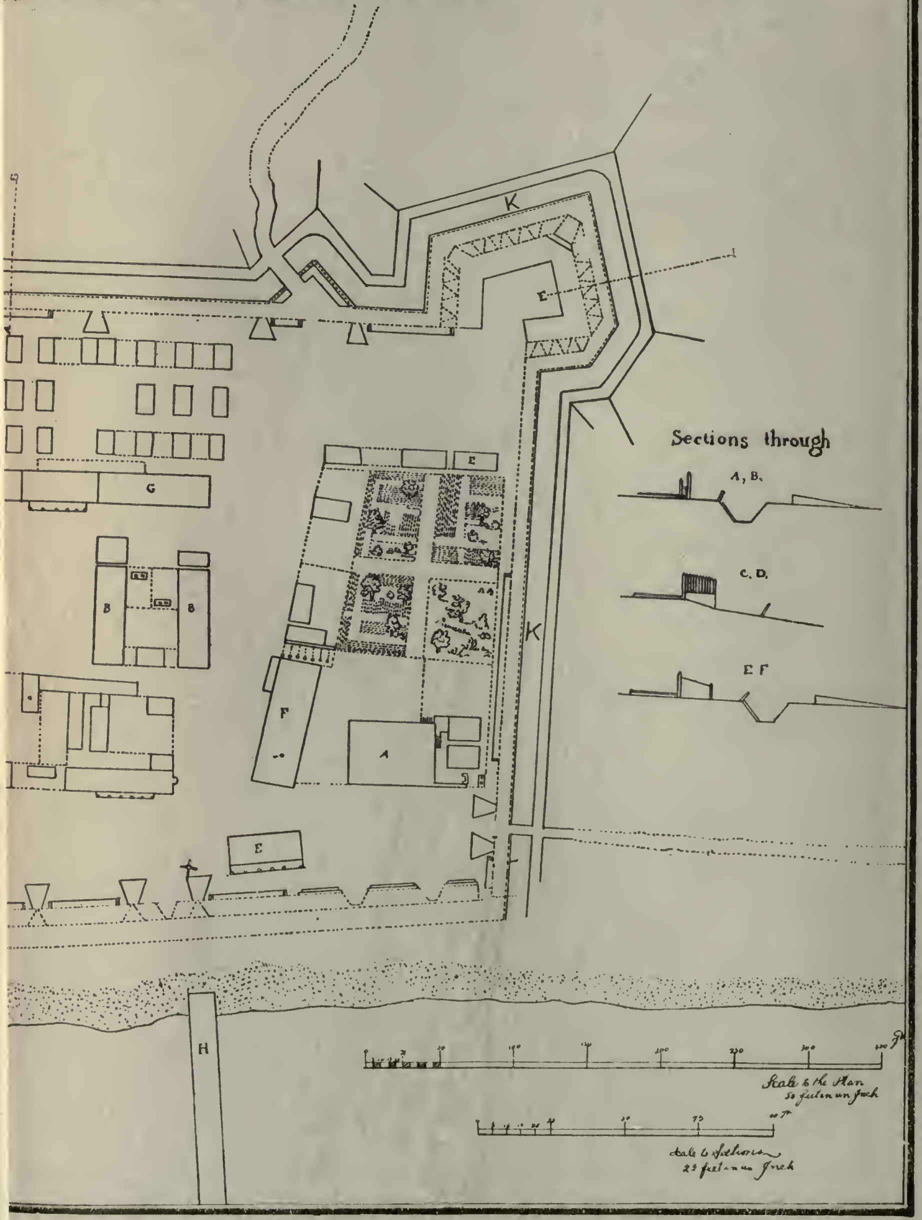
PLAN and SECTIONS of the

REFERENCES

The outside works marked K are begun by order of Major Forbes, but not finished. In the original plan the outside works are indicated by a yellow color. See KKK

A. Governour's house.
B. Barracks.
C. Magazine for Powder.
D. Arsenal.
E. Guard Houses.
F. Provision Storehouses.
G. Hospital.
H. Wharf for Small Boats.

f the FORT at PENSACOLA ~



From Lord Halifax to Governor Johnstone.

George Johnston Esq^{r} St James's, April 14th 1764.
Governor of West Florida.
Sir,

I herewith transmit to You, by The King's Command, an Extract of a Memorial delivered to me by His Catholick Majesty's Ambassador, (5th April) setting forth, that when The Fort of Pensacola was delivered up by The Spanish Governor to The Officer appointed to take Possession of it, on the part of His Majesty, no Agreement was made for the Price of the Houses which The Spaniards left to be occupied by The English, & desiring that Orders may be given for obliging His Majesty's Subjects to satisfy The Spaniards for value of said Houses; And I am to signify to you His Majesty's Pleasure, that, upon your Arrival in your Government, You do make immediate Inquiry into the Grounds of this Demand, & that you do transmit to me, as soon as conveniently may be, an exact & circumstantial Account containing every Information which may be necessary to enable me to return a satisfactory Answer to the said Ambassador, concerning the said Demand.

I am &c^{a}
Dunk Halifax.

Endorsed St James's, April 14th 1764—Gov^{r} of West Florida.

From Governor Johnstone to Lord Halifax.

My Lord

I have just received your Lordship's Letter Signifying his Majesty's Commands that upon my arrival in the Government of West Florida I do make immediate inquiry into the Grounds of a Memorial Presented by his Catholic Majestys Embassador setting forth that when the Fort of Pensacola was delivered up by the Spanish Governor to the Officer appointed to take Possession of it on the part of his Majesty no agreement was made for the Price of the Houses which the Spaniards left to be occupied by the English, and desiring that orders may be given for obliging his Majesty's Subjects to satisfy the Spaniards for the value of the said Houses, & Likewise Inclosing a Copy of the said Memorial.

In answer to this I beg your Lordship will Assure his Majesty that I will endeavour to obey his Commands in a manner Agreeable to his Dignity, & the Character of a Civilized Nation by returning the most Exact & Impartial report. I am

My Lord
Your Lordships
Most Obedient Servant
Geo: Johnstone.

London—April 17th

Endorsed April 17. 1764—Govr Johnston—℞ 18.

From Lord Halifax to the Lords of Trade.

Lords Commissrs of Trade. St James's 20th April 1764

My Lords,

Having received from Major Genl Gage, Lieut Colonel Robertson's Report of the present State of East & West Florida, with a Description of the Bays of Tampa and Charles, I herewith inclose Copies of those (8th March) Papers, with an Extract of the Letter, in which the General transmitted them to me, for Your Lordps, Information, and to the End that You may propose such Measures as Your Lordps, upon Consideration of the several Matters therein contained, shall judge necessary to be taken thereupon, and particularly with respect to the Purchases of immense Tracts of Country, which appear to have been made by British Merchants from the Spaniards in the Eastern, and from the Indians in the Western Government.

I am &ca
Dunk Halifax.

Endorsed 20th April 1764.—Drat—To the Lords of Trade—Floridas.—Letter of Reference—concerning Lieut. Col:—Robertson's Report of—the present State of East—& west Florida—Desiring their Report—thereon, & particularly—with respect to the Purchases—made by British Merchts—from the Spaniards in the—Eastern, & from the Indians—in the Western Government:—C—No. 14.

From Edward Sedgwick to Secretary Pownal.

John Pownall Esq^r St James's, 23^d May 1764.
Sir,

I am directed by the Earl of Halifax to transmit to You, for the Information of the Lords Commiss^rs for Trade & Plantations, the inclosed Copies of three Letters from Major General Gage, dated the 13th & 14th of last Month, and of the several Papers therein referred to, being Copies of the Papers mentioned in L^t Colonel Robertson's Report of the State of East & West Florida, and of the Preliminary Articles of Peace concluded by Sir William Johnson with the Seneca Nation of Indians, on the 3^d of April.

I am also directed to send herewith, for Their Lordships Inspection, the Original Plans and Draughts transmitted by L^t Colonel Robertson, and to desire that, when Their Lord^ps shall have done with them, You will be pleased to return them to Lord Halifax's Office. I am &c^a

Edwd Sedgwick.

Endorsed 23^d April 1764.—Mr. Sedgwick—To Mr. Pownal, Secry to the—Lords Commiss^rs for Trade &c^a—Transmitting, for the—Information of the Lords—of Trade, the Papers—Plans & Draughts—referred to in Lieu^t—Col: Robertson's Report.—C—No. 15.

From Lord Halifax to Governor Johnstone.

George Johnstone Esq^r
Governor of West Florida St James's, May 12th 1764.
Sir,

I herewith enclose to You, by the King's Command, a Copy of the Memorial of the Inhabitants of Mobile, lately transmitted to me by Major General Gage, desiring that they may be permitted to sell the Estates which they possess in that Country, notwithstanding they have no formal Grants or Title Deeds to produce, the only Title, according to the Usage of that Country, being Possession, Cultivation, and Settlement:[1] And further praying that forasmuch as they are restrained by the Definitive

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[1] D'Abbadie made complaint to the French government January 10, 1764, that Major Farmar had attempted to impose obligations, not in the treaty, upon the inhabitants holding lands under French grants.

Treaty from selling their Estates to any other than His Majesty's Subjects, and as His Majesty's Troops did not take Possession of some of the Dependencies on Mobile till Four Months after the Time fixed by Treaty, and will not be possessed of Others 'till Ten or Eleven Months after the Expiration of that Term, the Time to be allowed for their Emigration, and the Removal of their Effects, may be prolonged, by computing the Eighteen Months allowed for those purposes by the Definitive Treaty, from Three Months before the Day on which Possession was taken on the Part of His Majesty, of each Post respectively.

With regard to the first of these Requests, it is His Majesty's Pleasure that, as soon after Your Arrival in Your Government as the more important Objects of Your immediate Care and Attention will permit, You should make an accurate Enquiry into the Nature of the Titles under which Lands are held by the French Inhabitants in and about Mobile, and it's Dependencies; and if it shall appear to You, upon Examination, that the French Governors having never made formal Grants of Lands in those Countries, Possession and Cultivation are in fact the only Titles by which the Inhabitants have held and enjoyed their Estates there, You are to permit the said Inhabitants to sell (provided it be to Subjects of His Majesty) such Lands as they did really possess before the Conclusion of the Definitive Treaty of Paris, and have actually cultivated and improved. But you will, as soon as conveniently may be, transmit to me an Account of the Result of Your Enquiries upon this Subject, together with Your Opinion as to such further Measures as may be necessary to be taken with Regard to the Claims or Requests of the said Inhabitants concerning their Lands and Possessions, or to the future Security of the Persons who may purchase them, to the End that You may receive His Majesty's further Directions thereupon.

With Respect to the Second Request contained in the said Memorial, it appears to His Majesty to be highly just and reasonable, that, on Account of the late Arrival of His Majesty's Subjects in the several Posts & Settlements established in that Country, the Inhabitants should be allowed some further Time beyond the Eighteen Months fixed by Treaty, for the Sale of their Estates and the Removal of their Persons and Effects.

You will, therefore give them general Assurances that some such Indulgence will be granted to them, and You will report to me Your Opinion what Spaces of Time will be necessary and sufficient to answer those Purposes to the Inhabitants of the several Posts. I am &ca

Dunk Halifax.

Endorsed May 12th 1764—To George Johnstone Esqr—Governor of West Florida.

Memorial to Lord Halifax.

Whitehall May 30th 1764.

My Lord,

We take leave to inclose to your Lordship a Copy of a Memorial presented to us by George Johnstone Esqr Governor of West Florida, representing the defective state of the Regiments stationed in that Province, the want of a proper method of recruiting them, and of a Staff conformable to what has taken place in other Colonies.

The Subject matter of this Memorial appears to us to merit attention and to be of great Importance to the Security and Welfare of that Province, but as we are entirely uninformed of what relates to the Military Establishment there, we cannot take upon us to give any opinion upon this Memorial, but think it our duty to transmit it to your Lordship that such Measures may be taken thereupon as shall be thought expedient. We are

My Lord—Your Lordships
most obedient and—most humble Servants,

Hillsborough
Soame Jenyns
Ed: Bacon
Ed: Eliot
Geo: Rice
Bamber Gascoyne

Rt Honble the Earl of Halifax one of
His Majesty's principal Secretaries
of State–

Endorsed May 30, 1764—Board of Trade—℞ 31st—Referring to his Lordship—the Subject of the inclosed—Memorial.—with an Inclosure—D—No 6.

Memorial of Governor Johnstone to the Board of Trade.

Copy—

To the Right Honble the Lords Commiss^{rs}.
for Trade and Plantations.–
The Memorial of George Johnstone Governor
of West Florida.

Sheweth

That it appears from undoubted Authority, that the Province of West Florida is immediately surrounded with Ten Thousand Indians capable of bearing Arms.

That the disposition of the Creeks and Chickasaws are far from being favourable—

That the Chactaws have been positively promised by Major Farmer the same presents which the French were in use to give.

That these did amount to Five Thousand Pounds, and only Fifteen hundred pounds are allotted by Great Britain.

That it is natural on such a positive breach of promise (however colour'd) that some discontent will arise among that Nation.

That Justice and Force are the great Motives for determining the Conduct of Foreign Nations.

That some violation (however necessary) seems to have been committed in the first.

That in the second, the Force does not at all seem adequate to the Jealousies which may be expected, and the Attack which may be made by any of those Nations separately, for out of two Regiments which are allotted for the Province there is not at present four hundred effective men in both, neither can Your Memorialist learn that any real effective means have been taken for recruiting those Regiments.

That each of the other Colonies have been allotted, a Garrison Staff, while West Florida which seems to require every exertion of military Order in a double degree has been left without any such Establishment.

Signed—
Geo: Johnstone

Endorsed copy of a Memorial of—Geo: Johnstone Esq^{r} Governor —of West Florida, to the Board of Trade—in the B^{d} of Trades of 30 May—(copy sent to the Secretary at—War the 4th June

1764.)—Representing the Dangers—from the Indians, the—Defective State of the—Regiments stationed there,—& the Want of a Garrison Staff.—Inclosure in No 5. D.

From Lord Halifax to Governor Johnstone.

George Johnstone Esq^r^
Governor of West Florida
Sir,

I herewith inclose for Your Information a Copy of a Letter which I have lately received from His Majesty's Electoral Minister at Geneva, in which he acquaints me that there are several Swiss and German Inhabitants of the Government of New Orleans, who whenever that Country shall be ceded by France to Spain, would probably chuse to remove and settle themselves under His Majesty's Government.[1]

As the Court of France has long since declared to His Majesty's Ambassador at Paris Her Resolution to cede Louisiana to The Crown of Spain, and as His Catholick Majesty has some time, since appointed Colonel Isassi to be His Governor of this Country, and M. deVillemond to be Second in Command, who (as I am informed) is by this Time embark'd at Cadiz, and on his Way to New Orleans, there is no Room to doubt but that Cession will speedily take Place. M. Pictet's Intelligence Seems therefore to desire Your immediate Attention: If You find, upon Enquiry, that a Number of Swiss or Germans, likely to become good Subjects and usefull Settlers, are desirous to remove into Your Government, You will offer them every proper Encouragement in Your Power in order to acquire to that Colony so considerable an Advantage. And if Messieurs Gaspard Pictet & Francois Caminada should be of the Number of those who chuse to transmigrate thither, You will have a due Regard to the said Minister's Recommendation, and give them Your Countenance and Protection as far as You shall find them deserving of the same.

I am &c^a^

Dunk Halifax.

Endorsed Sept^r^ 8^th^ 1764.—To The Governor of—West Florida.

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[1] Many of these inhabitants were induced to remove to West Florida.

From Governor Johnstone to Lord Halifax.

Island of St Christophers 4th Augt 1764.

My Lord

The Transport Grampus, having on board the Civil Officers, Surgeons Mates for the Regiments, the Ordnance Stores, and the Indian Presents for his Majesty's Colony of West Florida, put in here this day to take in Water, and will Sail to morrow morning in the Prosecution of her Voyage, in which every thing fortunate hath as yet attended. I am with a Perfect respect

My Lord
Your Lordship's
Most Obedient and
Most Humble Servant
Geo: Johnstone

Endorsed St Christophers 4th Augt 1764—Govr Johnstone—Rͅ 24th Septr.

From Governor Johnstone to Lord Halifax.

Pensacola 31st Octr 1764.

My Lord

[I arrived here the 21st of this Month after a long passage from Jamaica.]

I have the Honor to acknowlege the receipt of your Lordp's letter of the 12th of July inclosing a memorial from the Spanish Ambassador which I shall take the earliest opportunity of examining into, & of transmitting your Lordship a report.

[Inclosed I have the Honor to transmit a Return from the 35th Regiment in Garrison here by which You will see the debilitated State of that Regt & tho' I have no return from Mobile of the 34th, I am told by Lord Adam Gordon they are in a worse plight.

Nothing but compleat Corps can effectually relieve such shatter'd Regiments with neither Officers or men. The ill disposition of the Indians arises from this distrest Situation & in Case they should take advantage & push this ill humor further I fear we could not resist.]

No doubt the Cession of New Orleans to the Spaniards will have a wonderful Effect on those Nations.

Nevertheless we want force to give the most favorable Circumstance any weight.

Unless regts are sent out & the Spanish Trade opened as formerly I see little prospect of Prosperity to this Colony which might otherwise become one of the most useful and opulent in the King's possession as I have endeavored to explain more at large to the Bd of Trade.

The short time I have been in the Province prevents me from entering more at large into the State of it. I hope in my next to be able to satisfy your Lordship's utmost Curiosity concerning every particular.

I have the Honor to be with perfect Regard & Respect
My Lord
Your Lordships
Most Obedient and
Most Humble Servant
Geo: Johnstone

Endorsed Pensacola, West Florida.—31st Octr 1764.—Govr Johnstone.—℞ 30th Janry 1765.—(Extract sent to the Secry at War, the—5th Febry 1765.)—Ditto to Majr Genl Gage, the 9th Do.

RETURN OF THE STATE OF HIS MAJESTYS

Companies	Officers Present												
	Commission						Staff					Non Comissn	
	Colonel	Lt Cols	Major	Captains	Lieutenants	Ensigns	Chaplain	Adjutant	Qr Masters	Surgeon	Mate	Serjeants	Drummers
General Otaways				1	1			1	1	1	1	2	1
Lieu^{t} Col^{o} Fletchers					2							2	1
Maj^{r} Forbes					1							2	1
Capt^{s} Ormsby					2							2	1
Capt^{s} Makinen				1	1							2	1
Capt^{s} Symson				1								2	1
Capt^{s} Allen												2	
Capt^{s} Blakeny					1							2	
Capt^{s} Sherwood					1							2	
				3	9			1	1	1	1	18	6

Absent Officers	Since what time absent	By whose liave & for wht time	Months	Vacant Officers & by what Means
Lieu^{t} Col^{l} Fletcher	24th Octo^{r} 1762	His Majesty		L^{t} Robert Farquharson who was upon Ensigns pay dyed 4th Sept^{r}
Maj^{r} Forbes	15th Jully –64	Maj^{r} Gen^{l} Gage	6	
Capt^{t} Blakeny	17 Sep^{r} –62	Earl of Albemarle		
Capt^{t} Allen	3 May	His Majesty		
Capt^{t} Ormsby	Governor of Tycondaroga			
Capt^{t} Sherwood	Not yet join'd			
Chaplain Whitty	3^{d} March –56			
Ens^{n} Armstrong	1st Sep^{r} 58	Sir Jeffery Amherst		S^{t} D^{r} Recruting 1 1
Lieutenants Delavalle & Jetherell	24 Oct^{r} 60			
Lieu^{t} Matturine	Secretary at Montreal			
L^{t} Campbell	25 March –63	Maj^{r} General Keple		
L^{t} Crutchfield not yet joind				
L^{t} Lundin	25 Sepr –64	Recruting at New York		

Geo: Johnstone

35th REGT OF FOOT.—Pensacola 21st Octor 1764.

Companies		Effective Rank & file							Wanting to Compleat			Since last Return			
		Fitt for duty	Sick present	Do in hospt'l	Recruting	On Commd	Recommended	Total	Sergeants	Drummers	Rank & file	Recruted	Dead	Deserted	Discharged
General Otaways		12	2				5	19			30				
Lieut Colo Fletchers		17					5	22			27				
Majr Forbes		14	2			1	5	22			27				
Capts	Ormsby	11	3			1	4	19			30				
	Makinen	13	2				4	19			30				
	Symson	6	6		1		4	17			32		1	1	
	Allen	14	2				4	20			29				
	Blakeny	12	2				4	18			31				
	Sherwood	13	3			1	4	21			28				
		112	22		1	3	39	177		2	264		1	1	

Endorsed State of the 35th Regiment—In Govr Johnstone's, of the—31st Octr 1764.

[Here is Copy of the foregoing "Return of the State of His Majesty's 35th Regiment of Foot."

Signed by Ro: Mackinen Capt 35th Regt.]

Endorsed State of His Majesty's—35th Regiment—21st October 1764—In Govr Johnstone's, of the 31st—Octr 1764.

From the Lords of Trade to Lord Halifax.

Whitehall Febry 1st 1765.

My Lord,

We have lately received a Letter from the Governor of West Florida dated at Pensacola the 9th of Novemr last, in which he represents the Circumstances of a Dispute between himself and the Commanding Officer of the Troops stationed in that Province, and as it appears to Us that his Matter is of great Consequence to His Majesty's Service not only in this but also in every other Colony upon the Continent of America, We think it our Duty to transmit to your Lordship the inclosed Copy of the said Letter and also Copies of the Papers therein referred to, and to desire your Lordship will be pleased to lay them before His Majesty.

We are
My Lord,
Your Lordships
most obedient and
most humble Servants
Orwell Hillsborough
Ed. Bacon
Bamber Gascoyne
Geo: Rice
J. Dyson

Earl of Halifax, one of His
Majtys principal Secry's of State.

Endorsed Whitehall. 1st Febry 1765.—Lords of Trade.—℞ 2d (a)—(all the Inclosures of this letter were—communicated to the Secretary at War—the 5th Febry 1765.)—Desiring the Inclosures—may be laid before his—Majesty—with 7. Inclosures —E. —No 7.

From Governor Johnstone to John Pownall.

Extract of a Letter from George Johnstone Esqr Govr of West Florida Dated Novbr 9th 1764, to John Pownall Esqr Secretary to the Board of Trade.

Sir,

Inclos'd I transmit you Copies of different Letters which have pass'd between Captain Mackinen Commanding the 35th Regiment & me. The Obstruction I have met in being admitted, as Governor of this Garrison, is extremely mortifying.[1] These Letters will explain the Nature of the Dispute better than any thing I can say. I beg only their Lordships will remark, I have conducted the Controversy with that Moderation, which I am hopeful they will approve—

From the last Letter which was at Length extorted from Mr.

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[1] Almost immediately after his arrival at Pensacola Governor Johnstone become involved in furious quarrels with the military officers on duty in West Florida. He was not of a conciliatory nature, and his entire administration was marred by all manner of undignified disputes.

Mackinen one would imagine, that the whole was setled, and that he had yielded every Point in Question; but so far from it, when I proposed to give the Parole, and to examine into the State of the Garrison, Mr. Mackinen refused to yield this matter, or that any Report should be made to me, tho' he acknowleges in his Letter I am Governor of the Fort and Answerable for its defence; and yet he denies me the Key to the Garrison, or that I should know the State of it; This is pregnant with a Degree of Inconsistency which I cannot reconcile.

Perhaps I shall hereafter be able to explain the Reasons which occasion so strange a Conduct. In the mean while it is a Fact, that the Garrison is in the most miserable and debilitated Situation, neither defence against an Enemy without, nor Shelter for Soldiers within.

Large Sums of Money have likewise been expended for Indian Presents; but none can inform me, how they have been distributed:

I believe one of the reasons for Refusing to admit my Command within the Fort was the Check I gave to the shameful Exactions, which prevailed both from Masters of Vessels, and the poor Inhabitants who were admitted to miserable Hutts.

I am told there was a Case of this kind happen'd at Newfoundland, where Captain Gually refused to obey the Orders of Governor Graves, & that, upon a decision from England, the Secretary of War's Letter was read to him on the Public Parade, requiring him to ask Pardon of Governor Graves, and declaring it was only on Account of his former gallant Services, that he was not dismissed His Majesty's Service.

It was the Report of this Case, by an Officer who was present, that probably occasioned the last Letter I received from Captain Mackinen, so different from his other declarations; and yet his Subsequent Conduct seems as if he had resumed his former Opinion.

It is necessary this Point of Command shoud be settled on a Clear Footing and I rest assured their Lordships will take Care, that my Commission (though direct'd to a Sea Officer) will carry the same Authority as the other Commissions. I shou'd be sorry to ask more or receive Less.

Their Lordships may rest assured in the mean while, that the Public Service shall not suffer by this Misunderstanding, If double Diligence, Attention & activity can prevent it. Captain Mackinen seems to insinuate, as if I had desired he should withdraw from the Command of General Gage, which I never thought. said, or imagined.

Endorsed Extract of a Letter—from George Johnstone—Esq^{r} Gov^{r} of West—Florida to John Pownall—Esq^{r} Secretary to the —Board of Trade dated—Nov^{br} 9th 1764.—In the Lords of Trades, of—the 1st Feb^{ry} 1765.—Informing of his disputes—with the Command^{g}. Officer—of the 35th Reg^{t} relative—to the Command of the—Garrison.—Inclosure I. in No 7. E.

From Governor Johnstone to Captain Mackinen.

Copy.— Pensacola 3d November 1764.

Sir,

The unhappy Difference in opinion between You and Me in the Construction of the Powers vested in us by our several Commissions, obliges me to reduce my Sentiments on this Head to writing, that I may receive your Sentiments in Return, that the matter may be Fairly transmitted to his Majesty for his gracious Decision.

It appears to me by his Majesty's Commission, which I had the Honor of transmitting to you, and which was published in your Presence, that I am "Captain General and Governor in Chief in and over the Province of West Florida," by which I conceive, I am Governor in whatever Part of the Province I may reside, unless some Person can produce an authority superseding this Commission.

It is a known Military maxim, that, whoever is Governor, must give the Parole of the Garrison, and whoever gives the Parole, has a Right to the Report of the Guard.

Imperium in Imperio cannot exist in a Common wealth, much less within the Fortifications of a Garrison; either You must have the Command of the Fort or I; this is indubitable.

It is necessary that such a point should be settled in the

Critical and debilitated Situation in which we Stand. For my own Part, after making the Requisition of the Command of the Fort, which I conceive myself bound by my Commission to do, If that is refus'd, I declare myself willing and ready for the sake of Harmony to submit for the Present to your superior judgement, sensible, if I am right in my Opinion, His Majesty will do Justice to his own Authority, which has been abus'd, and if I am wrong, it will be happy I had not assum'd a Power which I could not have vindicated.

You was pleas'd to say I could have no Command over the Military; and in Consequence as this was a Military Garrison, I could not have the Command of it. You likewise are of Opinion I am not entitled to a Return.

My Commission runs in the same individual Words as those of Col: Grant and General Murray. When this Dispute is consider'd in England, it will be seen, how they have acted, and how others have acted towards them; If the Attorney General and others are pleas'd to put Words in my Commission, that have a contrary Import to their constant Meaning, the Fault is with them; but at least I hope to be pardon'd for believing His Majesty means, what He has express'd in the clearest manner; and besides it is impossible to Judge of the State of the Province, if I am not entitled to know the Situation of its Forces.

If I have no Direction over the Military, and they are perfectly independent of the Civil Authority, I humbly apprehend the Government in that Case is still Military; for wherever a Military Force exists on that Footing, all Civil Forms are a Farce.

In the Body of my Commission it is said I have full Power with the Advice of the Council to pull down any Fortress or to erect others, and yet I can have no Command over those which are erected.

His Majesty in the first Article of His Instructions to me has these Words; "and being arrived at Pensacola, which we do for "the Present appoint to be the Place of Your Residence;" and yet it seems to depend on the Courtesy of a Captain, happening to Command a Regiment which was sent on purpose to take Possession of the Country, 'till a Government could be established, whether I shall put my Head within the Fortress or not.

It gives me particular Pleasure to express the Civilities I have receiv'd from You in Military Honors, as well as private Politeness; but the former Marks of Distinction claim a double Gratitude, since certainly according to your System I had no Right to them; and therefore in Case you are still of Opinion, that I am not Governor in this Garrison, I request they may be withdrawn for the sake of Propriety, least others may be led into the same Mistake with myself.

His Majesty in Council by His Order 18th April 1764 is pleased to direct, I shall take Care of the Ordnance and Stores allotted for West Florida.

The Lords Commissioners of the Treasury by their Letter of the 9th July are Pleas'd to inclose to me the Contract for supplying the Troops with Provisions, desiring that I should see it carried into Execution, and further to assign proper Storehouses for the Provisions: If I have nothing to do with the Troops, how can I see the Contract carried into Execution? or if I have nothing to say to the Barracks, How can I assign proper Storehouses?

The Contractor for the Hospitals in his Letter 31st May is pleas'd to say, "Inclos'd is Invoice of the necessaries I had Orders "to provide for your sick Soldiers, &ca".

The 5th Article of the Instructions from the Right Honble and Honble the Board of Ordnance to the Storekeeper says, "You shall not deliver any Arms or Ammunition, but by written "Order from the Governor."

So that upon the whole I have the satisfaction to think, that in case I am wrong in conceiving there are many Instances in which I have some concern with the Military: there are others (who should have known better) as much deceived as myself.

My Opinion is, that, as his Majesty has been pleas'd to appoint a Commander in Chief of His Troops in North America, that I have nothing to do with the Detail of Discipline: That what general orders I may with the Advice of the Council think necessary to give, These must be address'd to the Commanding Officer of the Regiment to carry into Execution; That all orders must pass thro' him; But until General Gage (if his Commission extends to this Province) shall appear himself, or by Virtue of his Commission appoint a Deputy to Command the Troops, they ought to obey such General Orders as they shall receive from the Governor in Council, either for their Marching on particular Occasions to occupy particular Posts, or for attacking the Enemy. If it is otherwise, situated as we are without any Deputy to Command in Chief in the Province, and the Commander in Chief General Gage at the Distance of a six Months Voyage, We are surely in a very deplorable Situation, in Case it should be found necessary to march against an Enemy.

And now, Sir, as this Situation may very probably arise, and as you was pleas'd to tell me on putting a Case of Emergency You would not March out of this Fort from any Orders I could give. Neither supposing Major Farmar was attack'd could any one, except General Gage, give you Orders to March to his Relief, or in short order a junction of the Forces in this Province. Give me leave to put two Questions for your Answer.

Suppose the Mortar King should Commence Hostilities against the British Nation, and it was thought proper to send the Principal Force of the Province against Him, and in Consequence that the Governor in Council should send you orders to join Major Farmar, Would you obey such Orders?

2d In case the Garrison should be Attack'd, Who has the Command of the Fort?

In discussing this Point, whatever the Decision may be, I hope it will not in the smallest Degree interrupt that friendly Intercourse, which has begun with so much Advantage on my Part; But on the Contrary that we shall submit the Matter with Friendship and Moderation to our superior Judges. The Question is simple, either you must be Governor or I; there cannot be two in the same Garrison.

I am &c^{a}

Geo: Johnstone

Endorsed Copy of a Letter from—Governor Johnstone—to Capt^{n} Mackinen—dated 3d November 1764.—In the Lords of Trade's, of the—1st Feb^{ry} 1765.—Giving his reasons for—requiring the Command—of the Garrison.—Inclosure 2. in No 7. E.

From Governor Johnstone to Captain Mackinen.

Copy—

Governor Johnstone presents his Compliments to Captain Mackinen, and hopes he will not take it Amiss, that he begs an Answer to the Letter which he had the Honour to transmit to him on the 3d; as the Master of the Sloop bound for Carolina is to Call for Mr. Johnstone's dispatches to Morrow at 8; and this is the only Opportunity whereby he has a Chance to Save the Pacquett.

Tuesday 8 at Night.

Endorsed (a.) (2.)—Copy of a Note from—Governor Johnstone to—Captain Mackinen.—In the Lords of Trade's, of the—1st Febry 1765.—Inclosure 3 in No 7. E.

From Captain Mackinen to Governor Johnstone.

Sir,

I have had the Honour of receiving your Excellency's Letter dated the 3d Instant; as the answering of it is an Affair of Moment, I beg leave to take a little Time to consider the Contents before I can give you an Answer. I have the Honour to be with the Highest Respect,

Sir,
Your Excellency's Most
Obedient & Most Humble Servt,
signed, Robert Mackinen.

Pensacola 5th Novbr 1764.

Endorsed (a) (3)—Copy of a Letter from—Captain Mackinen to—Governor Johnstone—dated Novbr 5th 1764.—In the Lords of Trade's of—the 1st Febry 1765. Desiring a little time to—consider of his Excellency's—Request.—Inclosure 4 in No 7. E.

From Captain Mackinen to Governor Johnstone.

Copy.—

Sir,

Your Excellency's desire of having my immediate Answer to your Letter of the 3d Instant Obliges me to do it in a more concise Manner than I intended; I am therefore to acquaint you, that by a Letter from the Secretary at War, the following order was transmitted to the Commanding Officer of the 35th Regiment. It is His Majesty's Pleasure, that you do follow such Orders as you shall receive from his Excellency Governour Kepple for your Embarkation, and proceeding with the Regiment, under your Command to Florida; and that, on your Arrival on the Continent of North America, you follow all such Orders as you shall from time to time Receive from the Commander in Chief of His Majesty's Forces in North America; by which it Appears to me, that the Secretary at War looks upon the Command of the Troops in this Province to be vested in the Commander in Chief in North America; And in a Letter to me from the Commander in Chief in North America, dated 31st March last, are these Words, "All Orders I send you relative to the Military only you will please at all events to Obey;" from which I must infer, that I am entirely under his Command, therefore Cannot take upon me to withdraw Myself from it, which I must do, If I give it up to your Excellency; Upon the whole I do Apprehend, that I am not at Liberty to Cede any Point relative to the Command of the Military, till it shall be properly determined.

Your Excellency will always find me ready to Carry into Execution anything you may judge necessary in Council, either for Marching a Part or the whole of the Regiment, Where it may appear to you for the Good of the Service; and I declare myself willing to Concurr with you in every Measure which may any ways tend to the Good of the Province, where the 35th Regiment can be of Service; and any aid or Assistance I can furnish in Carrying on Works, stores, &c. will be most heartily Complyed with.

Your Excellency is pleased to put two Queries to me, the first I hope to have already answered by declaring my readyness to concur with you in every Measure, which may be thought Necessary for His Majesty's Service, or the benefit of the Province: As to the Second I have Look'd upon myself as Commanding the Military Only, & am far from Arrogating any Authority or Title, to which I cou'd have no right.

I most Sincerely wish a Line had been pointed out by which I Might have Acted, as it is with great Concern, I find myself involved in a dispute of this kind with your Excellency; but I hope you will consider me as not Acting from myself, but a Superior, to whom I am answerable, and must beg leave to refer this Affair to his Decision.

Your Excellency has been pleased to declare your Inclination, that this Matter might not interrupt the Friendly intercourse, with which, I have been so much Honour'd. I beg leave to Assure you I shall make it my Duty to deserve the Continuance of it, & shall be happy on every Occasion to evince, that I am with the most perfect Respect,

Your Excellency's
Most Obedient and
Most humble Servant,
(signed) Robert Mackinen

Pensacola
6th Novbr 1764.

Endorsed (4)—Copy of a Letter from—Captain Mackinen to—Governor Johnstone—dated Novbr 6th 1764.—In the Lords of Trade's, of—the 1st Febry 1765.—Giving Reasons for his—keeping Command of the—Garrison.—Inclosure 5. in No 7. E.

From Governor Johnstone to Captain Mackinen.

Copy— Pensacola 7th Novr 1764.
Sir

I this Moment received your Letter dated the 6th in answer to that which I had the Honour of writing to you on the 3d

I am extremely sorry I should have hurried you so much after waiting three days for the Decision of a Point which ought to have been settled in three hours, as to occasion an Answer which leaves one of the material Questions in Dispute as much in the Dark as ever.

I am therefore obliged to ask once more, Who is Now Governor in this Garrison?

2d Who is now answerable for the Defence of this Fort? and in Consequence who has the Distribution of the Guards and Posting of the Centries as may be thought most essential for the Trust committed to him?

3d Who has now the Direction of the King's Houses within the Fort?

4th Who has Now the Ultimate Direction of the Artillery and Stores, and distributing them through the Province, and seeing they are properly Lodged and that the Officers appointed to take Charge of them do their Duty?

5th Who is now to take Care of the Provisions which are sent agreeable to the Contract with the Treasury, and which Provisions are now lying in a very bad Place? and who is to appoint Proper persons to survey them?

6th Am I or is any One in West Florida entitled to the General Monthly Return of the State of the Troops, Stores, Ammunition, Provisions, and publick Works?

I do apprehend those several Powers belong to me without infringing on the Powers of General Gage, or even clashing with his Orders, as you have stated them; since he has given no directions concerning those points; and from thence it may be infer'd he has left them to be determined by the Governor. If you think otherwise, You will be pleas'd to say so; and I am the first man to submit to your Orders; but such Powers must be with the one or the other, as your Candor will Confess, and therefore I again request a precise answer to each Point.

It gives me pleasure to find you have receded from one part of your Opinion in the Conversation I had with you on those Subjects in the Presence of Lieut Maclellan, which I think very material for the good of the Province.

Whether I have any Command over the Military, or not, I will not now pretend to say, since so sensible and worthy an Officer is Pleas'd to think I have none; but this I may venture to affirm, that it is the first Settlement of any Colony since the beginning of the World, where somebody on the Spot had not the general Command of the whole Military force within the Province. I am &c. Geo Johnstone.

Endorsed (5)—Copy of a Letter from—Govr Johnstone to—Captain Mackinen—dated Novbr 7th 1764.—In the Lords of Trade's, of—the 1st Febry 1765.—With further Queries—to him concerning his—Command.—Inclosure 6. in No 7. E.

From Captain Mackinen to Governor Johnstone.

Copy—Sir,

In Answer to Your Excellency's several Queries in your Letter of this date I am first to say, that you are the Governor, and, as Such I can never attempt to interfere in any Matters that may come under your Jurisdiction, but shall be always ready to Aid and Assist you in the Execution of your Authority, when your Excellency may think proper to Signify it to me.

2d I must look upon you as Governor of this Province, and, as such, the Defence of the Fort will be in you; As to the distribution of the Guards or posting the Centries, I shall be always ready, as I have before declared to Your Excellency to Concurr with you in Making such Alterations as shall be thought most Essential for the Good of the Service.

3d The King's Troops, when they march into a Garrison, are Entitled to proper Quarters; after they are Quarter'd, I make no pretence to the disposal of any house.

4th The Direction of the Artillery and Stores is entirely under your Excellency's Disposal.

5th The care of the Provisions is a Civil branch to which I have no claim, as they are furnished by Contract. I must repeat to your Excellency, whatever assistance you may want from the 35th Regiment, shall be ready on the shortest Notice.

6. I shall with pleasure give you a Monthly State of the Troops in Garrison for your own Satisfaction and that of the Council.

I must still remain in Opinion that I cannot withdraw Myself from the Command of General Gage, nor be Answerable for so doing without an order for it from proper Authority.

I hope every Occasion that may present will prove to Your Excellency, with what chearfulness I shall undertake anything that may tend to the Good of this Province and his Majesty's Service in General.

I have the honour to be with the Most perfect Respect
Your Excellency's
Most Obedient and
Most humble Servant,
Pensacola (Signed) Ro. Mackinen.
Novemr 7th 1764.

Endorsed (a) (6.)—Copy of a Letter from—Capt. Mackinen to —Govr Johnstone, dated—7 Novr 1764—In the Lords of Trade's, of—the 1st Febry 1765.—with Answers to his—Queries.—Inclosure 7. in No 7. E.

From the Lords of Trade to Lord Halifax.

My Lord, Whitehall Febry 1st 1765

We have lately received two letters from the the Governor of West Florida, one dated from Jamaica in his passage to his Government, the other after his Arrival at Pensacola, in Which letters he represents the disadvantage and danger to which that Colony is exposed from the interruption given to the Spanish Trade by the Captains of His Majesty's Ships of war, and by the weak & debilitated state of the Troops stationed in that Province; and as it appears to us that these Circumstances of disadvantage in the Commerce of this Country and weakness in it's internal state do desire attention, We think it our duty to transmit to your Lordship the inclosed extracts of so much of the said letters as relate thereto, and to desire your Lordship will be pleased to lay them before His Majesty.–

We are,—My Lord
Your Lordship's—most obedient and
most humble Servants,
Hillsborough
Ed Bacon
Bamber Gascoyne
Geo: Rice
J. Dyson
Orwell

Earl of Halifax, one of His
Majtys princl Secrys of State

Endorsed Whitehall. 1st Febry 1765.—Lords of Trade.—℞ 2d—(b)—Desiring the Inclosures—may be laid before his—Majesty. —with 2 Inclosures.—E.—No 6.

From Governor Johnstone to John Pownall.

Extract of a Letter from George Johnstone Esqr, Governor of West Florida, to John Pownall Esqr, Secretary to the Board of Trade, Dated Pensacola Octr 31. 1764

[It appears to me, that the only Circumstances wanting to compleat the Prosperity of the Colony are first a sufficient Force to command respect from the Indians; and 2dly some clear intelligent Instructions to His Majesty's Ships for permitting the Commerce of Spanish Vessels who may bring Bullion or such other Merchandises as cannot interfere with Our Commodities.

My particular Opinion is, that Commerce must give Value to the Lands, and not that the Produce of the Lands will be able to establish Commerce, though they will follow each other. Situated as this Colony is, nothing but downright Folly can prevent a very extensive Commerce. The most material must be that of the Spanish Trade. Contiguous to Mexico, La Vera Cruz, Campeachy, Havannah, Merida, and New Orleans, is it possible to prevent Riches from flowing in to West Florida, now that New Orleans is to be ceded, and not a Power to rival us in the Bay of Mexico? or is it possible, that this Colony must not now possess the principal Trade of the Indian Nations, if it is properly supported? since the nearest Nation of Indians to any other Colony will save a Carriage of 200 Miles, while all the Chactaw and Illinois Trade, which is more than all the rest, must undoubtedly fall to Our Lot.

Thus then it is clear, that the Spanish Trade and the Indian Trade must chiefly center here; the first may be computed at £200,000, the 2d at 60 000£ ⅌ Annum.

If my Ideas are right, permit me to examine, what are the Measures which must give them Stability.

And 2dly what is the State of West Florida with respect to those Objects.

As to the Spanish Trade nothing can enable that Commerce to flourish, but a free Egress and Regress, where the Ships bring Bullion, or such Things as do not interfere with our Manufactures, and take our Commodities in return; this has ever been encouraged since I knew the West Indies till now. The 2d Point is Security to the Trader and his Goods.

With respect to the Indian Trade nothing can give that Trade any Stability but exact Justice and a respectable Force to command it, as well as to protect the Goods of real Merchants: otherwise the Business will be carried on by Vagabonds, worse than the very Horses who carry their Burthens.

Now with respect to the State of these Things at Penzacola, the Spanish Trade, so far from being encouraged, has been obstructed in every way. Captain Lucas of the Prince Edward seized a Spanish Vessel some time ago, who came here with 40,000 Dollars hard Cash, and then dismiss'd and tow'd him out of the Harbour after infinite Perplexity.

Three other Vessels to the Amount of £30,000 have been treated in the same Way from a rigorous Execution of the Law under the late Deputations, without any regard to the Spirit of the Act. It is true we are happy at present in having a Commanding Officer Sir John Lindsay, a Man of enlarged and generous Views for the Good of his Country, who will give it all proper Encouragement; but still he is only a single Voice, and cannot prevent any wrong-headed Man from ruining the Colony; and when once a Channel of Commerce is turned, it is difficult to say where it will break out or when it will return; it seems therefore that some Instructions on this head are necessary (conveyed through the Admiralty) if not direct, at least sufficiently clear.]

[With respect to the Force in the Province I do aver it as a Fact, that the two Regiments could not now turn out 250 Men; most of the Officers are absent, when they are ordered to their Corps; not one has taken effectual means to come out, those who are here the Debris of an Havannah Regiment are really excellent Officers, but fairly worn out and debilitated. Their Barracks are in the most miserable Situation. A Disorder has been prevalent at Mobile, something in effect like a Plague. The Officers here were summoned to a general Court Martial at Mobile; all who went have been seized with the Disease; three have died and the rest continue ill; I should have imputed it to too many having been crowded into the same Appartment in the Heat of Autumn, if every Master of a Ship had not been siezed with the same disorder.[1]

Thus then their Lordships will remark the debilitated State of our Troops, with neither Officers nor Men. The Indians, a very watchful People, sensible of our Situation, are one Moment demanding Presents, and next Moment sending insolent Messages, and this they know we must bear.

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[1] **Health conditions at Pensacola and Mobile were very bad under the English. Malaria seems to have been the trouble, but yellow fever brought from Havana frequently prevailed.**

I do not mean to say if we had Force sufficient we ought to march against them on every Insult; very far from it I only mean to inculcate, that if we had Force they would not behave in that Manner, as our Influence would be greater to divide them amongst themselves, which seems to me the truest Policy; and in Case they should march against us, we should probably repel them, whereas at present that would be impossible.

It was this Situation that was the Occasion of that small Tribe of Indians attacking our Troops; and I shall expect the same difficulty, until we have Force sufficient in the Province to operate on the Conduct of powerful Tribes, so as to espouse our Cause and conduct our Troops up the River.

Their Lordships will therefore see by this the immediate Relief of the Regiments in this Province by a fresh Corps, since there can be no other effectual Way of doing that Service, as it ought, neither can their Lordships expect any considerable Advances in the Colony in my Conception, till that is done, and the Spanish Trade opened.

Endorsed Extract of a Letter from—George Johnstone Esqr— Governor of West Florida,—to John Pownall Esqr—Secretary to the Board—of Trade, dated Pensacola—31 October 1764.— In the Lords of Trade's, of the—1st Febry 1765.—(Extract sent to Genl Gage, 9th Febry—1765.–2d Mark to the End.)— Representing the distressed—Situation of the Province from— the Obstructions given to the—Spanish Trade & the weak— State of the Regiments there,—and desiring the Regiments— may be relieved, a Supply—of Presents for the Indians,—and the Spanish Trade to be—opened. Inclosure 2. in No 6. E.

From Governor Johnstone to John Pownall.

Extract of a Letter from George Johnstone Esqr Govr of West Florida, dated Jamaica, Kingston, Septr 25th 1764, to John Pownall Esqr

By the Report of sundry persons who have come from Pensacola the Inhabitants are in a deplorable Situation, being in the utmost want of every necessary, and no Cash circulating amongst them, in so much that the Officers are forced to pass Paper from one to the other, while the Goods of the Merchants are rotting in the Stores.

This has arose from a mistaken Zeal in some of the Captains of His Majesty's Ships, who, from the late regulations, have seized and teized & towed out of Port three Spanish Vessels, who had nothing but Cash on board, notwithstanding the Petition of Major Forbes, and that the Garrison was ready to mutiny for Pay.

I do not mean to make any Complaint against any person; for I dare say those Gentlemen in performing this Injury thought they were executing good Service to their Country; but this I will venture to pronounce to their Lordships, that unless some measures are taken to soften the rigor of those regulations, and the execution of those new deputations in this part of the World, that West Florida, can never prove of any Consequence to Great Britain, which might otherwise become the most beneficial Settlement. The Spaniards have no Commodity in this part of the World which can interfere with Our Manufactures or the good of Our Commerce. The Introduction of Silver has always been encouraged since I knew the West Indies; and such a sudden unreasonable Turn to this Trade must inevitably throw the whole into the hands of the French, who are ready to receive them with open Arms.

The Influence it has had on Jamaica is hardly to be credited. By the Convulsion here, I can easily foresee Our Infant Colony must be crush'd under such an indiscriminate execution of the Law, unless *your* Lordships will suddenly procure some discretional Mitigation, as in *your* Wisdom shall seem fit, and this Mitigation must be signified to the Captains of His Majesty's Ships through a proper Channel.

Endorsed Extract of a Letter from—George Johnstone Esq^r^—Gov^r^ of West Florida, to—John Pownall Esq^r^—dated Jamaica Kingston—Sept^r^ 25th 1764.—In the Lords of Trade's, of—the 1st Febry 1765.—Concerning the want of—Cash in West Florida & the seizing of Spanish Vessells—at Pensacola by the King's —Ships.—Inclosure 1. in N^o^ 6. E.

From Lord Halifax to Governor Johnstone.

George Johnstone Esq^r^
Governor of West Florida St James's Febry 9th 1765.
Sir,

Having laid before The King Your Letter of the 31st of October, together with such of Your Letters to The Board of Trade as Their Lordships have transmitted to me for that purpose, in which You represent the Detriment accruing to the Province by the Seizure of Spanish Ships, the Expediency of reinforcing Your Government with an additional Number of Troops, and the Want of more explicit Orders for the prevention of Misunderstandings between the Civil Governor, and the Officer commanding the Military, concerning the Construction of their respective Powers, I am now to acquaint You with His Majesty's Pleasure upon each of those Points.

With respect to the first of them, it is His Majesty's Intention, that Spanish Ships and Vessells, coming into the Ports & Harbours of West Florida, through Distress or for Refreshment, should not meet with any Molestation, but receive all necessary Assistance, in like Manner as has been always allowed at Jamaica, provided they are not laden with, or do not attempt, in any Manner, to bring in any foreign Goods or Merchandize. And I have accordingly signified His Majesty's Pleasure in that Behalf to The Lords Commrs of His Majesty's Treasury, & to the Lords of the Admiralty.

With Regard to the Second Point, His Majesty, upon Consideration of the debilitated State of the Regiments stationed in Your Government, & the Expediency which You represent of strengthening it with an additional Number of Troops, has been pleased to signify His Commands to Major General Gage that, as soon as the publick Tranquillity is sufficiently established, in consequence of the general Pacification with the Indians, He should make such Alterations in the present Disposition of the Troops under his Command, as may afford the Province of West Florida such a Reinforcement as he shall think necessary and proper.

And in order to prevent in future all Misunderstandings between the Civil Governors & Military Commanders concerning their respective Powers, The King has been pleased to declare it to be His Intention,

That, according to His Majesty's Commissions granted for that purpose, the Orders of His Commander in Chief, and, under Him, of the Brigadiers General commanding in the Northern and Southern Departments, in all Military Matters, shall be Supreme, and must be obey'd by the Troops, as such in all the Civil Governments of America.

That in Cases, where no Specific Orders have been given by the Commander in Chief, or by the Brigadiers General commanding in the District, the Civil Governor in Council, and where no Council shall subsist, the Civil Governor may, for the Benefit of his Government, give Orders for the Marching of Troops, the Disposition of them, for making and marching Detachments, Escorts, & such purely Military Services, within his Government, to the Commanding Officer of the Troops who is to give the proper Orders for carrying the same into execution; provided they are not contradictory to, or incompatible with, any Orders he may have received from the Commander in Chief, or the Brigadier General of the District; And the Commanding Officer is, from Time to Time, duly to report, with all convenient Expedition, to the Commander in Chief, or to the Brigadier General, such Orders, which he shall have so received from the Civil Governor.

That the Civil Governor of the Province shall give the Word in all Places, when he shall be within his Province, except when the Commander in Chief or Brigadier General shall be in the same Place.

That the Return of the State & Condition of the Troops, Magazines and Fortifications shall be made to the Governor, as well as to the Commander in Chief and Brigadier General.

That the Civil Governor is not to interfere with the detail of the Military Regimental Duty and Discipline, the Reports concerning which are to be made to the Commanding Officer, who is to make his General Report to the Civil Governor.

When the Commander in Chief or Brigadier General shall be present, all Military Orders are to be issued by Them only.

I am &c^a^

Dunk Halifax.

Endorsed Febry 9th 1765.—To George Johnstone Esq^r^—Governor of West Florida.—(By the Mobile Packet—Capt Montague Isaacson.)

From Governor Grant[1] *and Mr. Stuart.*

S^t^ Augustine December 9th 1765.

Sir

The Head-Men and Warriors, of the Upper and Lower Creek Nations, having been invited, in Obedience to His Majesty's Commands, to meet at a Congress in order to settle the Limits of this Province, They declined coming to this Town, on Account of their Horses which they chose to leave on the West side of the River S^t^ John's, But agreed to meet at the Fort of Picolata, about Twenty Miles from hence.

Traders and Interpreters were employed to conduct them from their several Towns. Who contrived to put them in motion, tho' their Hunting Season drew near.

Two Messengers arrived here the 24th October, from Tallechea, the head beloved—Man of the Nation, to inform us that the Indians Drew near—Those Runners well received, an Answer was sent by them next Day & is inserted in the Journals of the Congress which Assembled the 15th of November.

At the opening of which You, Sir, will perceive that the Indians appeared to be tenacious of their Lands, and were disposed to be Refractory, so much so indeed, that We were once under some Apprehension that the Conferences must have been broke off, and the Treaty of Limits postponed till a more favorable Opportunity should Offer.

A Delay would have been attended with very bad Consequences to this Infant Colony, as it must have very much retarded the Settling of it.

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[1] Governor of the British Province of East Florida.

The Leading Men were therefore talked to and wrought upon in Private; Some of the young Men, who appeared to be of Note, were likewise spoke to; Indifference was shown to the whole in Publick, & were Contempt to those who discovered themselves to be the most hostile to our Intentions, The Interpreters were directed to watch the Opportunity of pointing out such Limits as would be agreeable to Us, and the loss they must sustain, if they differed with Us about Land which they could so well spare.

From all those Circumstances, The Indians saw well enough, that the Sort of Threats, which had been thrown out by them, had not had the Effect they expected, & upon finding that, if they did not acquiesce, they had no Reson to expect any Part of the Rum & Presents, which they knew were on board the East Florida Schooner and the Dependance Pilot-Boat, ready to be delivered if Matters were concluded to our Satisfaction. The Indians, who we had gained over, helped the Traders with more Dexterity than could have been expected, The leading Men appeared Averse to Our Measures, expressed the greatest Indignation at the Interpreters for daring to make such proposals, And upon One of the young Ones saying that he did not see Why they came to the meeting, if They intended to differ with the white People, about a little Land of which they had such plenty, that he could see no good Reason for their Conduct, and therefore thought that the Land should be given up—Our other Friends immediately altered their Sentiments, and agreed in Opinion with him, the rest of the Council did not oppose the measure, and when they were in this Disposition, We sent for them to agree about the Terms for Limits, and the Treaty was signed the 18th of November, by which they have Ceded a very extensive Territory to His Majesty, Which in all probability will be sufficient for the Settlements of this Province for many Years.

All the Towns of the lower Nation, with which this Province is chiefly connected, sent Deputies to the Congress. After the Treaty was signed, Those who attended the Meeting, were loaded with Presents; an Assortment was sent to some of the absent Old Men they recommended, And a Quantity of Ammunition was given for the use of their Nation; indeed after the Business was over, They were refused nothing, And we parted upon the best Terms.

We have the honor to be with the greatest respect,

Sir

Your most Obedient & most —humble Servants
James Grant
John Stuart

Endorsed St Augustine. 9th Decr 1765.—Govr Grant, & Mr. Stuart.—℞ 10th Febry 1766.—(1)

From Lord Halifax to Governor Johnstone.

George Johnstone Esqr
Govr of West Florida. St James's, 23d March 1765.
Sir,

In Pursuance of a Plan of Rotation, which The King was pleased to establish, last year, for the Relief of His Troops in His American Dominions, His Majesty has thought proper to direct the 21st and 31st Regiments of Foot to be forthwith embarked for Your Government, to relieve the 22d & 35th doing Duty at Mobile, and Pensacola, which are to return to Great Britain: I am therefore commanded to signify to You His Majesty's Pleasure, that You should obey all such Orders, as You shall receive from His Majesty's Secretary at War, relative to the said Relief, and the Return of the 22d & 35th Regiments to Great Britain.

I am &ca
Dunk Halifax.

Endorsed 23 March 1765.—to the Governor of—West Florida.—(sent to Mr D'oyly.)

From Lord Halifax to Governor Johnstone.

George Johnstone Esqr
Governor of West Florida } St James's 13th April 1765.
Sir,

It was with much Concern, and Surprise, that I lately received from Major Genl Gage, a Copy of a Memorial signed by

Nineteen Officers in the Garrison of Mobile, complaining of the Violence & Severity of Your Behaviour towards Them. The General, at the same Time, informed me of the Complaints, which you had exhibited against Some of those Gentlemen, One of whom is to be brought to a publick Tryal upon the Charges, which You have brought against Him.

As the disputed Authority to the Command of His Majesty's Troops, appears to have been the Source of those Dissentions, which have produced these reciprocal Complaints, it is hoped that Harmony will be compleatly restored between the Civil Power, and the Military, on the Arrival of His Majesty's late explanatory Orders, which effectually remove all Doubt on that Point. But I have nevertheless thought it necessary to apprize You of the Complaints which have been made against You, and earnestly to recommend to You, for the Good of His Majesty's Service, an uniform Conduct of Mildness & Moderation.

I am &c^a^

Dunk Halifax.

Endorsed 13th April 1765.—To Gov^r^ Johnstone.

From M. Caminade to Lord Halifax.

(*French Version.*)

My Lord

Je me joins a tous les anciens habitans de cette Colonie, pour presenter nos très humbles remerceimens à sa Majesté, du choix qu'Elle a fait de Monsieur George Johnstone, pour Gouverneur de cette Province, c'est lhomme le plus capable d'un pareil employ, on n'en a jamais connu de plus intègre et qui entendit mieux les intérets qui lui sont confiés:

Nous regrettons seulement beaucoup de n'avoir pas eu le bonheur de le possider dans le commencement de la Prise de possession de cette Colonie; parce qu'aucun habitant françois n'en seroit sorti; l'on ne parle d'autre chôse aujourdui à la Nouvelle Orleans et nombre de ceux qui s'y sont retirés, se proposent de rentrer sous son doux gouvernement; malgré les Depenses immenses et les sacrifices qu'ils ont fait, pour s'y retirer avec précipitation: Il y en a même, qui ont déja rachetté, partié de leurs anciennes possessions en acordant de grands avantages aux prémiers aquéreurs.

Nous ajouterons que nous avons reconnu en notre cher Gouverneur de grandes connoissances dans l'agriculture, la navigation et le Commerce ces trois parties sont indispensables dans cette Colonie naissante et ont eté extrémement négligées par les anciens possesseurs.

Nous sommes obligés d'informer sa Majesté par le Canal de Vôtre Excellence, que plus notre Digne Gouverneur remplet avec sagesse, tous les Pénibles employs de son ministére et plus Il trouve de contradiction de la part du Militaire; c'est ce que nous disons avec douleur et cette conduitte nous touche vivement: Lors que nous dirons à Votre Excellence que depuis trois jours que nôtre Gouverneur est arivé en cette Ville pour le Congrés avec les Sauvages, que le Militaire dis-je lui a refusé un simple sentinelle à sa porte, pourat-Elle le croire; Il n'y a cependant rien de plus vrai.

Les Gouverneurs françois dans ces Occasions avoient non

From M. Caminade to Lord Halifax.

(*English Translation.*)

"My Lord"

I join all the early inhabitants of this Colony in tendering our most humble thanks to His Majesty for the choice He has made of Mr. George Johnstone for Governor of this Province; he is the most capable man of any in similar position, and one never knew a more upright nor one who better understood the interests entrusted to him.

We only regret very much not to have had the good fortune of possessing him in the beginning when first taking possession of this Province, because none of the French inhabitants would have left; they speak of nothing else at New Orleans nowadays and a great many of those who withdrew purpose returning under his gentle administration, in spite of the enormous expenses and sacrifices they incurred through their hasty departure. There are among these very same those who have already bought back part of their former holdings in view of the great advantages to the first purchasers.

We may add that we have found in our beloved Governor as vast knowledge of agriculture, navigation and commerce, these being three essential factors in this rising Colony and heretofore grossly neglected by the former possessors.

We are constrained to inform His Majesty through Your Lordship's good offices that the more our worthy Governor accomplishes with wisdom all the painful exactions of his position the greater the opposition he finds on the part of the Military; this is what we have to say sorrowfully and this behavior touches us deeply: when we say to your Lordship that since the arrival of our Governor in this town three years ago for the Congress with the Savages, the Military "dis-je"[1] has refused him a mere sentry at his door "pourat-Elle"[2] the belief; there is nevertheless nothing more truthful.

The French Governors on these occasions not only had a sentry at their door, but also a Guard of 18 to 20 men com-

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[1] "Dis-je" may mean "say I," but most likely a misprint or misinterpretation of the original writing.

[2] "Pourat-Elle" is obviously a misprint or misinterpretation of the original writing.

(*French Version.*)

seulement un sentinelle à leur porte mais méme une Garde de 18 à 20 hommes commandée par un sergent, sous leurs ordres. cette observation est d'autant plus essentielle, qu'un Gouverneur est tous les jours exposé d'avoir chés lui 30 à 40 sauvages qu'il est bon souvent de contenir à cause de leurs importunites lorsqu-'ils Sont hors de sens par la boisson; avec celà ces gens (: qui ne jugent que des apparences:) voyant que l'on ne rend aucun honneur à un Gouverneur Anglois ajoutent peu de foy à ses Discours; ce que peut-être d'une conséquence infinie et causer dans la suitte un préjudice irreparable. Vôtre Excellence verra par cette conduitte que le Militaire ne saisit pas bien l'intéret public et le bonheur particulier de cette Colonie, qui exige dans sa naissance les plus grandes attentions.

Ce qu'il y a encore de surprenant; c'est que le Militaire S'est gendarmé de, ce que le Conseil de cette Province, avoit pris connoissance et fait emprisonner à Pensacola, un soldat acusé de vol; cependant les loix d'Angleterre sont très formelles a cet ègard:

Monsieur nôtre Gouverneur a souffert toutes ces Contradictions, avec une patience et une modération étonnante, dans la persuasion, que sa Majesté et son Conseil y remédiera pour l'avenir.

En qualité d'ancien habitant de la Louisiane et aujourdui en celle de Conseiller de cette Province et aunom de tous les habitans; je prens la liberté de faire part à Vôtre Excellence, que pour la plus grande prospérité de cette Colonie; Il est absolument nécessaire, de mettre tout en usage, non seulement de permettre; mais de protéger extraordinairement le Commerce avec l'Espagne et pour y parvenir trés efficacement il est nécessaire de trés bien établir Manshac ou yberville et celà à plusieurs égards.

Manshac est situé sur le fleuve le plus favorable, par sa communication avec la Nouvelle Orléans et avec tous les établissem qui sont sur le Missisippy; les terres y sont trés fertiles, bien boisées et bien arosees par la meilleure eau du monde.

Sans les secours que nous retirons actuellemt de ce fleuve, nous serions fort embarassés, pour la nouriture des sauvages, pendant le tems que durera le congrés.

(*English Translation.*)

manded by a Sergeant, under their orders. This remark is the more essential since a Governor is liable every day to have at home with him 30 to 40 savages which he is good enough to take in on account of their troublesomeness when they are out of their senses from drink, whereupon these people (who judge only from appearances) seeing that they render no honour to an English Governor add little faith to his Speeches; which may be of an infinite consequence and cause in the sequel an irreparable harm. Your Lordship will see by this behavior that the Military does not take at heart the public concern nor the special welfare of this Colony which in its infancy requires the greatest care.

This is what it has done still more astonishing; it is that the Military has appointed itself police from the Council Board of this Province, has apprehended knowledge and caused the imprisonment at Pensacola of a soldier accused of theft; notwithstanding the laws of England which are very strict in this regard.

Our Governor has endured all these inconsistencies with an amazing forbearance and calmness in the belief that His Majesty and His Majesty's Council would put a remedy thereto in the future.

In the capacity of early inhabitants of Louisiana and nowadays Counsellor of this Province, and in the name of all its inhabitants, I take leave to apprise your Lordship that for the greater prosperity of this Colony it is absolutely necessary to bring into usage, not only to allow but to protect exceptionally the Traffic with Spain, and for and to attain it most efficiently it is necessary to settle quite properly Manshac or Iberville, and that to many respects.

Manshac is situated on the most favourable river, through its communication with New Orleans and all the other settlements along the Mississippi; the grounds there are very fertile, well wooded and well watered by the best water in the world.

Without the relief which we derive at present from this river, we would be greatly embarrassed in supporting the savages pending the time the Congress may last.

(*French Vresion.*)

Nous espérons que Vôtre Excellence, voudra bien faire part à sa Majesté et à son Conseil et au nom de tous les habitans de cette Colonie du contenu de la présente, et qu'Elle voudra bien agréer les Voeux, que nous formons pour la Conservation de sa Majesté et de la famille Royalle.

Nous avons l'honneur d'être avec tout le respect possible
My Lord
De Vôtre Excellence
Les Tres humbles et trés obeissants
Serviteurs
françois Caminade
au nom de tous les anciens habitans de la
Province de la Floride Occidentale.

Mobille ce 18 février
1765.

My Lord

Je suis extrémement reconnoissant de la Conté que Vôtre Excellence m'a témoignée en me recommandant à Monsieur George Johnstone Gouverneur de cette Province et celà à la sollicitation de monsieur Pictet de Genéve.

Je tacherai dans la suitte de me rendre digne d'une telle faveur en mettant toute mon application à mériter la continuation de son amitié et la Protection de Votre Excellence.

J'ai l'honneur d'être avec la plus parfaitte soumission
My Lord
De Vôtre Excellence
Le trés humble, trés obeissant et
reconnoissant serviteur
francois Caminade

Mobille ce 18 février 1765

Endorsed Mobille, 18th Febry 1765.—Mor Caminade,—℞ 31st May.

(*English Translation.*)

We hope that your Lordship will duly apprise His Majesty and His Majesty's Council, and in the name of all the inhabitants of this Colony, of the contents of this letter, and that He shall accept the Vows we make for the preservation of His Majesty and the Royal Family.

We have the honour to be with all possible respect,

My Lord,
Your Lordship's
Most humble and most obedient
Servants,
Francois Caminade.
in the name of the early inhabitants
of the Province of Western Florida.

Mobile, the 18th. February,
1765

"My Lord"

I am extremely grateful for the good word which your Lordship has vouchsafed for me in recommending me to Mr. George Johnstone, Governor of this Province, at the entreaty of Mr. Pictet de Geneve.

I shall endeavour to prove myself eventually worthy of such favour, by devoting all my zeal to deserve the continuance of the friendship and the Protection of Your Lordship.

I have the honour to be with the most complete submission,

My Lord,
Your Lordship's
Most humble, most obedient and
grateful servant,
Francois Caminade.

Mobile, the 18th. February, 1765.

From Governor Johnstone and John Stuart.

Pensacola 12th June 1765

My Lord,

Having now finished the several Congresses with the Chicasaw, Chactaw and Creek Nations of Indians, we come to give Your Lordship an account of those Transactions, within the bounds of a Letter, referring to the several Minutes and Treaties, where our relation may be defective.

But, before we can propose, from the Result of the whole, to communicate to Your Lordship that Satisfaction Which we would always wish should attend our Endeavours, it will be necessary to recal to Your Lordship's Remembrance the Situation in which we found this Province, respecting those Nations.

When we arrived here, in the month of October 1764, there was the greatest Reason to apprehend a General Insurrection of Indians on the Continent against His Majesty's Arms. Three very Superior Characters, in their way, had conspired to bring about this Event, by strongly instilling into the Minds of the various Nations on the Continent, by different Emissaries spread thro' the whole, that the English intended, first, totally to surround them and next, to extirpate them from the face of the Earth, by cutting off all their Supplies: And therefore that the Red Men ought to unite together, and regard the English as their Common Enemies.

The Persons to whom we allude, are, Pondiac, to the North; the Mortar or Chief of the Creeks; and old Alabama Mingo, who had long led the Chactaw Nation.

There is no doubt, the French were the Center of this Union; who, however feeble and reduced, will never lose the Intrigue which accompanies their Character, as we have lately had Occasion to experience on several Occasions. Vexation, Revenge, a little Pride, and much Profit, have each of them contributed to stimulate the French to this Conduct. For, as long as the War continued to the Northward, and the Illinois remained in their Possession, and the Road to New Orleans was open to the Chactaws, the greatest part of the Skins from the Continent have passed by the Mississippi; so that it is not to be wondered, where their private Interest was so much engaged, if they have secretly endeavor'd to render abortive every Measure, which, if carried into Execution, must so sensibly affect them.

The Facts were, When we came to the Province, our boundary with the Creeks was confined to the little Brook which surrounds this Town, at the distance of three hundred Yards; with a Prohibition of any Goods being sent into that Nation from this Province, under the Penalty of Death. The former Inhabitants, on the East side of Mobile, had been threatened with Destruction, if they did not remove from the Land, which, the Creeks said, had only been lent to the French. The boundary with the Chactaws was not at all defined: that Nation was in so bad a Temper, that the Bloody Hatchet, their simbol of War, has even been sent thro' the Nation since our Arrival; and the Creeks have also committed two several Murders, besides killing the Cattle of the Inhabitants, in the most insolent and wanton manner.

To such hostile Dispositions we had nothing to oppose, but Embassies, fair Promises, Presents, entering into the Policy of their Nations, creating Jealousies amongst themselves, and using those Engines in the best manner. The debilitated State of our Troops left them incapable of protecting the Country against such powerful Tribes, being hardly sufficient to defend the pitiful Fortresses if attacked. The weakly state of the Army, in general, disabled General Gage from sending any Recruits, and He Himself was so sensible of the danger of an Indian War breaking out to the Southward, and of the superior Genius of the Mortar, that, in his Letter to Captain Stuart, He says, "The debilitated state of the Troops is such, that it is with the utmost Difficulty I can furnish a Body for the Field any ways equal to the Task of the War already in hand; and therefore, all considered, it behoves us to use every means to avoid the Storm you are so apprehensive of." And Colonel Robinson in his Letter wrote by the General's Direction, says, "The Mortar is to gained at any Expence, which will enable you to lead that Nation."

A great Party of the Creeks and Chactaws have been educated in an inveterate Hatred to the English; they are by much the most numerous Nations on the Continent, the First containing about 3600 fighting Men and the Last, six thousand.

With these Considerations we begun our Negotiations, which, tho' extremely contemptible in Comparison to the Affairs of Civilized Nations, (when taken in one View) Yet, requiring equal Pains, and Labor, and Trouble.

The Nature of the Indian Government, which is, so many united Republics, leaves a vast Competition for Power amongst them, and produces a number of Leading Men, who, each has his Weight in the direction of their Affairs, and, in consequence, requires a particular Attention and management. For this Reason we were forced to dispatch several Embassies; and the Jealousies, and Tumults, and Counterworkings of our Enemies produced many Messages in return, which is one considerable Part of the Expence in the Completion of the whole; For it is not cheap, discussing a Point at three hundred Miles distance, where one has to deal with a Multitude; and travelling in those Wilds is not at a less Expence than in Europe.

In short, what with the Dread of incurring a War, on the one Hand, which must have ruined many of His Majesty's Provinces, and have proved very inconvenient and expensive to Government and this added to the extreme dearness of everything in this Part of the world; and, on the other Hand, that Fear of disbursing more money than might be approved when the Evil was past; These have rendered our Situation extremely uneasy, on every fresh Obstruction and new Demand. For, after entering into the Mode of Compromise, it often happened, that, unless we yielded a little more, all we had expended would have been thrown away, without any Power of resisting, on a contrary Conduct.

The Effect of the whole has been, First, by the Congress at Mobile to gain the principal men of the Chactaw Nation; To induce the whole to give up their French Medals and Commissions, and accept of others from His Majesty; to grant to the Province a Tract of Rich, Convenient, and extensive Territory; to agree to render Blood for Blood; to restore Negroes and Deserters, and to refrain from plundering the Inhabitants; to submit to the Regulations of Trade prescribed; and really, to their Honor be it said, tho' they were near two Months at Mobile, from first to last, and often two thousand men together; Yet no Damage worthy of notice, was committed.

The Effect with the Creeks has been, To induce the Mortar, and five hundred of his Warriors, together with most of the Principal men of the Nation, especially those who had been opposed to our Interest, and who had never set foot upon English Land before, to come down to Pensacola. They have given us a tolerable large Boundary, tho not all which we could have wished, being only about fifteen miles back, which does not reach the rich Soil, and so around the Sea Coast, up along the East side of the Bay of Mobile, as high as the Confluence of the River Alibamont. They have likewise solemnly promised to give Blood for Blood for the future; to refrain from any Outrages, to admit a free Trade, and to deliver up Deserters. Tho' they did not depart in so perfect a good Humor as the Chactaws, yet we have Reason to believe, with proper Attention, in future, that they may be perfectly conciliated to our Interest. The Mortar has really all the Talents which Fame reports of him, and his Friendship ought to be cultivated, if we wish to preserve Peace with his Nation. But, we think it our Duty to say, that, unless Presents are given, or a superior Force maintained in the Province, it will be impossible to insure that Blessing for any Duration.

The French have accustomed both the Upper Creeks and Chactaws to such large Presents, that it will be difficult to break that Custom, until they are convinced of Our Superiority and their Dependence, which can only be done by Time, and a well regulated Trade restraining the general Licences; Or, by an immediate War.

If Administration was resolved to adopt the last as the most eligible Alternative, and all the Colonies were directed to act uniformly, in withdrawing their Traders at once, and a proper Preparative was made, with a sufficient Force; The Task of reducing them might not be so difficult, since the Communications from this Province are rather favorable. But, without such an Uniformity of Measures, they would prove a much more formidable Enemy than the Cherokees; which Nat on alone, in the War with them, cost our Country One hundred thousand Pounds, besides the Losses which private Persons sustained.

We beg leave to observe, that the two Congresses which we have held are the largest that ever met on the Continent; that the Nations surrounding this Province are more numerous than all the Tribes to the Northward put together, being not less than twelve thousand Gunmen, including those on the other side of the Mississippi, and therefore, it should command a greater Attention, respecting Indian Affairs, than any other Province, And also, that the Appointments required for defraying Expences on that Account, in it, will necessarily continue to be much greater than in any other Province within the Southern Department, at least in a Proportion of four to one.

Upon the whole, as we are conscious of having acted with the utmost Integrity, and Attention to the Oeconomy so much recommended from the Board of Trade, we hope, on a fair Examination of Circumstances the Critical Situation in which we stood; The Orders of General Gage; The necessity of conciliating Peace for the Preservation of the Province as well as for the Good of His Majesty's other Colonies, The boundary which we have obtain'd and the good Effects which may be expected from our Negotiations, when put in the Balance of the Expence of a War; That Your Lordship will be pleased to represent our poor Endeavors to His Majesty, in the most favorable Light, and that You will recommend the Payment of the several Bills which we have been obliged to draw on His Treasury, on this Occasion.

We are, with the most perfect Respect,
My Lord,
Your Lordship's
Most obedient, and
most humble Servants
Geo: Johnstone.
John Stuart.

Endorsed Pensacola 12th June 1765.—Gov^r Johnstone,—& M^r Stuart.—℞ 5th Sept^r by M^r. McPherson.

Congress at Pensacola.

At a Congress held at the Town of Penzacola in the Province of West Florida, By His Excellency George Johnstone Esquire

Governor of the Said Province, and John Stuart Esqr His Majesties Sole Agent & Superintendent of Indian Affairs in the Southern District of North America, and the Several Chiefs & Warriors of the Creek Indians

Sunday May 26th 1765.

This day a Messenger arrived from the Mortar[1] & the Warriors of the Upper Creek Nation acquainting his Excellency the Governor & his Majesties Superintendant of Indian affairs that the said Warriors were within half a mile of the Town and desired to know if it would be agreable, that they should wait on them, Lieut Colonel Wedderburne having offered to accompany Monsr Montbereau, the Deputy Agent for Indian Affairs, to the Spot where the Indians were & Conduct them into Town his offer was accepted off. The above Gentlemen with the Indians having approached within an hundred Yards of the Gate halted & the Governor and Superintendent received a Message from the Mortar by one of the Interpreters desiring they would meet him at the Gate, in answer to which they Sent to acquaint him that it was their Constant Custom to receive Indians in the Council Chamber under the Great Kings picture. Upon which the Indians came into Town & were Saluted by a discharge of Great Guns. The Mortar being first Introduced to the Governor & Superintendant by Lieut Colonel Wedderburne & Monsieur Montbereau, was followed by the other Chiefs, Colonel Wedderburne delivered to the Governor and Monsieur Montbereau to the Superintendant each a White Wing, as an Emblem of Peace and friendship from the whole Nation, afterwards Sir William Barnaby the Governor & Superintendant were Saluted with and fanned by the Eagles Tails.

The Indian Warriors being all Seated in Order, & after Smoaking as Customary on such Occasions, The Superintendant thanked them for the attention they had paid to his Invitation, Said he rejoiced at having an opportunity of taking the Mortar by the hand and Introducing him & his Warriors to the Governor of the Province: that the white Wings they had Sent were received Chearfully being looked upon as Emblems of Peace & the Purity of their Intentions.

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[1] The most influential chief of the Creeks. The firm friend of the French. Called by the French Le Loupe, by the natives Yahatatastonake.

The Governor next told them that he received them with great Cordiality & friendship that he was rejoiced at having an opportunity of talking to them, as from the opinion he had of their Wisdom and Justice, he did not doubt but all Jealousies & misunderstandings would be removed and Succeeded by mutual Confidence and Good Will.

The Mortar Said this was the day appointed by the Great Being for their Seeing one another that he at that time proposed no more than Shaking the Governor & Superintendent by the hands, that they would defer talking about Business till another day, which he hoped would be Clear and bright as that was, and that he expected to hear or give nothing but good Talks.

The next day was then appointed to proceed on Business.

Monday May 27th 1765.

Present

Admiral Sir Wm Barnaby
His Excellency Governor Johnstone
John Stuart Esqr Superintendant[1]
Monsieur Montbereau Deputy Superintendant[2]
Colonel Wedderburne

And the following members of His Majesty's Council for the Province of West Florida–

Hon. James Macpherson
Hon. James Bruce
Hon. Ellias Durnford } Esqrs
Hon. Jacob Blackwell
Hon. William Clifton

Indian Chiefs Present
The Mortar
Emistisiguo } Upper Creeks.
Tapulga & Several others
Capt Alleck
The Young Lieutenant } Lower Creeks.
& Several others

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[1] For facts concerning Stuart see the *19th Annual Report of the Bureau of Ethnology, p. 203.*

[2] The Chevalier Montaut De Monberaut. He had great influence with the Indians, and was employed by the English as deputy superintendent of Indian affairs. It was through his influence that the Southern Indians were induced to make treaties with the English.

Divine Service having been performed by the Rev^{d} Docter Wilkinson the Congress was opened with Great Ceremony. And Sir W^{m} Bernaby was pleased to deliver the following Speech–Viz^{t}

Friends Brothers Chief Warriors & Beloved of the
Creek Nation

It Gives me infinite pleasure that the Great King my Royal Master has been pleased to order me to this place as it has given me an opportunity of Shaking Hands with the Mortar and the rest of the great Warriors & Chiefs, Whose Noble feats in War, have been so much talked of from afar.

As they have been famed in War for their Brave actions, they have now an opportunity of Shining in the State, by Causing the Paths to be made White, & all red Spots to be wiped away, that we are united in the Same Interest under one Great King the father of us all.

And as the Great King has been pleased to honour his Excellency the Governor with a Commission, to settle this Infant Colony, and to make all the Nations round him our friends, Whose experience as a Warrior, and whose Judgement & Abilities will in time convince them how happy they may be (& I hope will find themselves) under his administration.

I flatter myself the Mortar & all the Great Warriors and Chiefs who are present will Contribute every measure in their Power, towards making a Long & Lasting Peace, by Living in Constant friendship with us. That their Children Great Grand Children & ours may Live & enjoy the Blessings of it, And future ages rejoice in Celebrating the Happyness of that day which gave universal Joy to all their people.

The Great King has been pleased likewise to appoint M^{r} Stuart Superintendant, Whose Skill in War & knowledge of Mankind must render him very acceptable among them, As I am fully persuaded he will extend his Power to the utmost in order to make them a Happy & Contented people by an equal Distribution of the Great Kings favours to his Children, & by giving them all the Indulgencies they can request & he can possibly obtain for them.

As I shall soon Cross the Great Waters to execute the Great

Kings Commands in other parts I hope when I return to find the Talks of this day, to have made so strong & lively an impression on their Hearts & Minds as to have Convinced them that the only Point we had in View was that of making them a Rich & happy people, To live well with them, and that there might not for the future be any bad Talks or cause of Complaint on our paths.

I have nothing further to recommend but peace & Harmony amongst themselves, the only means of making them a happy & Flourishing people.

The Admiral having finished his Speech His Excellency Governor Johnstone spoke as follows. Vizt

Chiefs & Warriors of the Creek Nation Friends & Brothers

The Great King George in sending me Hither directed that I should endeavour, to Establish and maintain a perfect peace between his white & Red Children. In order to conclude so desirable an end, He also directed that Captain Stuart your Common father should meet me here. We have further made Choice of Mr Montbereau to manage the affairs of the Indians under us to remove all Jealousies, from those who formerly espoused another Interest. It is not our design by this to give any diffidence to our old friends, but only Confidence to our new, & to shew we are all one people. We will never forgett those who have adhered to our Interest. But we are likewise ready to receive those who did not with the joy of a Father who had lost his Son & found him again, and that all past Offences should be buried in Oblivion.

When Peace & friendship is to be established the kindness that should Reign in the Heart will not bear the Repetition of the evil Deeds which have past on either Side.

The Great God of the World has engraved the mark, of Justice too strong on the minds of Man to need a Repetition of his Faults to make him sensible of them. This is the first Law which he has given, never do that to another which we would not wish He should do unto us.

The Great Points which I would recommend to you are, Peace & Harmony amongst yourselves, Justice & Fidelity in your dealings with the Traders, disregard to the Talks of Idle men which distract the mind, respect and Obedience to the Chiefs and great Warriors in your Nation without which there can be no dependence on any of your engagements, For if the Young are to Govern the old, and the fool to advise with the Wise man all things must run into Confusion.

Your Nation has certainly as many Wise & Great Men in it, as any other Nation of Indians. It is their Duty then to lead the others in the Paths of Justice and stand responsible for their Conduct.

We really have no object in View but what is entirely for the Good of yourselves, now that all other white Nations are gone.

The King wishes to establish Regulations amongst you, to prevent all future misunderstanding. He wishes to Establish Commissaries in your Nation to hear your Complaints & do immediate Justice on the Traders, or others who may Commit Crimes against you. He wishes Likewise to establish, an Armourer amongst you to mend your Guns, & also to give you a plentyfull Trade from all parts of the world. He expects in return that you will not Shelter Wicked & runawaymen, who having Committed Crimes in their own Country come to distract your Nation, but on the Contrary that you will deliver up all deserters, whither Blacks or whites for which a very reasonable reward will be settled in the Treaty. That you will refrain from killing the Cattle or Stealing the Horses of the white Men. That every Murderer on either Side shall be put to Death, can any thing then be more reasonable & Just than these Regulations, & is there a Mortal who looks up to the Great Spirit who governs the world with Justice, & with truth who does not wish they should be carryed into execution. For those who commit Crimes, However they may escape for the present here, will be punished hereafter; As Sure as the Murderer is seen to Start in his Dreams, the Sun to rise & enlighten the World, or the thunder to roll over the Heads of the Guilty; so sure will the Wicked meet with his reward. And tho after evil Deeds we may escape the Death of our Enemies, Yet it often happens that the Blasted Tree Shall tumble over our Heads, & the Snake Bite us in the Secret Path.

I have not heard of any Particular Complaints against our

Nation except a Jealousy which is Spread abroad, that we wish to possess all the Lands of the Indians.[1] Nothing is so untrue, it is strictly the command of the Great King, that we shall not presume to possess any Lands belonging to Indians except such as shall be ceded with their own Consent, So that you are the entire Masters on that Subject. We really expect that you will Yield us some part to Subsist on, both to supply our wants & yours when you come among us; for you are Sensible, nothing can be produced in this Sand; but we are far from asking any large Tract of Country; what we wish most is to avoid Disputing; to fix a certain Limit rather than Large Possessions. I hope it will never be Said that this place where we have all met, this day with so much joy, has been deserted for want of food. At present we Subsist only by Supplys from over the Great Waters or Cattle from Mobille. I am Sure the Generosity of the Creeks will not allow it to be Said, that we shall feed their hungry hunters by the Produce of another Land, but I am far from prescribing what their Limits should be, your Wisdom will direct the Line, whatever you fix, I shall take care our people shall adhere to, when you find that I vary from my Word or bear a double Tongue, I desire you will Immediately mistrust & desert me. So long as I behave with Justice and Truth, I expect your friendship will Augment from day to day & Year to Year, till our Union shall become Strong as the Chain which holds the Ship, & Bright as the Sun in his Glory.

His Excellency having ended his Discourse The superintendant delivered himself as follows—

Great Chiefs & Warriors of the Creek Nation Abekas, Tallipusses, Cowetas & Alibamons

FRIENDS AND BROTHERS

I meet you here this day by order of the Great King George Sovereign & Father of the British Nation; The Great Giver of Life who is the Author of all Goodness, has permitted the General meeting between so many Great Chiefs of the Brittish, as well as of your Nation, & I pray to him that Tranquility mutual friendship, & lasting happyness may result from it.

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[1] Pontiac had used this charge to arouse the Indians against the English. As the English method of colonization was the cultivation of the soil, the fear of the Indians was entirely natural.

The Great Chiefs who Commands upon the Waters and the Governor of this Province have already spoken to you, you have heard their Words, they are the words of Peace if your hearts are disposed like theirs what you have heard must have made an impression upon them.

I am well known to the Warriors of your Nation, you have before heard me Speak, I cannot say that my Words were entirely blown away by the Wind. The Kings Talk delivered by me at Augusta, I hope you still retain in your memory, I have not forgott the answers which you gave, and the Obligations which you, the four Governors & I, mutually entered into; they were calculated for the Good of the red Men as well as the white.[1]

The King, who is the Tender and Benevolent Father, of Red, as well as white Men, has been graciously pleased to appoint me Superintendant of Indian affairs, it is my Duty to be attentive to your happyness, to shew you the Streight Path & remove the Thorns which may hurt your feet. I will allways be ready (as far as I am Capable) to advise you, I will upon all occasions attentively Listen to your Complaints, and apply to His Majesty or his Governors, on your Behalf for Redress of your Grievances; in return I expect that you will upon all occasions receive my Messages, listen to my advice & act in Conformity, you will always find them Calculated for your Welfare and prosperity.

This meeting is by the Special order of the Great King, that our former engagements may be renewed and Strengthened, and such new ones entered into as may be judged most Conducive, to keep the Chain of friendship bright & entire.

You this day see & take by the hand a New friend the Governor of this Province; he Landed in this Country fully possessed of his Sovereign's Intentions of giving you happyness, & receiving you into the Royal Protection; You will allways experience from him, Justice, Moderation, & friendship; he will Convince you of his truth and good faith, by the most exact observation on his part of the Engagements we shall now enter into. I hope you bring with you intentions equally Amicable & just, and that Like Wise men & true Lovers of your Country, you will pursue every measure by which Lasting Peace may be Secured & the Possibility of future disputes & contention removed. The fixing and clearly ascertaining a Boundary Line between the Brittish Province & you, is a Step which I recommend as essentially necessary for attaining these desirable objects; this I hope you will Consider of, & that your determination will be Such as will evince your Wisdom, Gratitude and good intentions, to your white Brethren, from whom you receive such Benefits, without whose assistance you cannot Support Life, who are willing & able to assist you & Supply your wants upon equitable and moderate terms.

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[1] Congress held November 5, 1763, between the English and the Chickasaws' Creeks, Cherokees and Choctaws, Treaty of limits and trading privileges.

I shall not mention what has passed since the Late Congress, on the Contrary, I will join the Governor. In humbly Begging the Great King to forgive all past Offences, provided you will Convince us of your determined resolution to do justice for the future, by giving Life for Life, nor will it be any attenuation that any person Murdered is only a poor back Settler, the Kings Paternal care Extends as well to the poorest of his Subjects, as to the Richest; and justice will be as Strenuously insisted upon for the one as the other. On our parts we will correspond in rendering you exact justice as Stipulated in the former treaty.

I am to inform you that a proper person is to be sent into your Nation, who will be authorised to decide disputes between your people & the Traders, he will take care that justice be done in weights and measures, all Talks from the Governors & from me will be delivered by him, and he will Convey to us whatever Messages you may have to Send, as he will be sent with a View to your happyness, we expect that you will respect him, that you will protect him from any Insult, assist him in the execution of his office, or any orders he may receive from us, and Aid him in Apprehending the Person of any white Man who has or may merit Punishment.

I recommend to you, to restrain your Young Men from acts of injustice and Violence, and Admonish them, not to Steal Horses, or kill the Cattle of the Inhabitants of this, or any other Province, as Necessary for the Preservation of Peace & good Neighborhood. You will also order restitution for any Horses so taken from the Traders or Settlers.

I have now only to acquaint you that as the Kings Business Calls me away from this Province, Monsieur de Montbereau will take Charge of your affairs in my absence, under the direction of the Governor. You are so well acquainted with him, that my saying any thing further will be Needless. Being now in the King of Great Brittains Service will demonstrate the Confidence & Harmony that now Subsists between the Brittish & french Inhabitants of this Province.

I now Speak to you Yahatatastonake, you are come this day to take the Brittish by the hand we hope you will be as faithfull to us as you was to the french. In Confidence of your Sincerity we receive you into the Great King's Protection, time will Shew you & your Nation the Wisdom of the resolution you have taken, and of the Generosity, Justice & Goodness of the Brittish Nation, for whom, I hope you, & your Warriors, will return home filled with Sentiments of Love & friendship.

The Superintendant having thus Ended his Discourse Capt^{n} Aleck, a Leading head Man of the Lower Creek Nation arose & Spoke as follows.

I am now in the presence of the Governor and Superintendant, the Great Kings representatives. I have heard what they have Said, I am well acquainted with & have so long lived among the white people in my Nation that I look upon myself as much a white as a Red man. I have allways lived in Amity with the English & hope to continue so, tho an Indian I am Sensible that the white people were first sent to our Land by the Will of the Great Being. They gave me the Name I now bear for which I ought & do respect them, When I was first called to this Congress, I was prevented from coming by the evil reports which were Spread all over the Nation. But now I rejoice to find they were false, & to receive good Talks from the Governor this day. I was sent from Carolina with good Talks into my Nation, there are now present the Abekas, Tallepousses & Alebamons, I am their Elder Brother, & the white Wings which we now present are Emblems of lasting Peace, & firm friendship, & every one here is inclined from this day forwards to live in the Strictest tye of mutual Amity.

I remember when the Superintendant who is my Elder

Brother, Spoke to my Nation at the Congress lately held at Augusta, I never expected that the Abekas would have seen him again, but I rejoice to find them together this day. I Likewise look upon the Governor as my Elder Brother, and shall allways be happy to receive Instructions from him, whereby I may be set to Rights When I err, I now have nothing more to Say.

Captain Aleck having ended his Discourse as above, Emisteseguo the Mortars Head Warrior arose and spoke as follows.

I am now got up with an Intent to deliver my Sentiments to you. I have observed that the Admiral, whom I look upon as a Warrior of the Great Kings, has spoke before the Governor, who is the King on this Land, and as I am a Warrior in my Nation as the Admiral is in yours, I will follow his Example & will reply before my King the Mortar; I received many Messages from the King of Great Brittain by different Conveyances, and am happy in the opportunity, I this day have of Conversing with my white Brethren, I well remember what was Said at the late Congress at Augusta, all which I faithfully recounted on my return home to my Nation and In Compliance wherewith I continue to hold the English fast by the hand; I observe the Superintendant who came round by Water, is safe arrived here, & now I will converse with him again; as we cannot make a Long stay here from our Nation, we expect that all our Business & Talks will be ended to morrow: And that the Governor will deliver to us his final Speech.

I observe that amongst the white people Friendship is Compared to a Chain which links people together, in our Nation friendship is Compared to a Grape Vine, which tho' Slender and Weak when Young, Grows Stronger as it grows Older.

So it is to be hoped the friendship & Harmony already Commenced between the Great King's White and Red Children, will daily increase & that as they grow up their hearts like the Tendrils of the Vine may be by time more Strongly United & Knit together. I have nothing more to say at Present till we meet tomorrow.

Then the Mortar arose and Spoke as follows.

The admiral whom I look upon as A Head Warrior, of the

Great King has already Spoke, so has my Head Warrior Emistisiguo

It has pleased the Great Spirit to ordain that I should meet the Governor & Superintendant, here this day & therefore I will now deliver my Sentiments to them.

This is the Land of the Red people & but very poor; These white Wings are Emblems of Peace, which I now Present you, untainted & Spotless, as Marks of my really Good & friendly intentions; & henceforward you shall hear of no Act of mine, which does not tend to promote friendship & Harmony. My Warriors are Striped of their Warlike Implements which are now all buried in Oblivion, and White Talks daily Increase in the Nation.

I am the Voice of my People who are all to abide by what I say or do. I am determined that the Path shall not only be made white & streight here but every where. I am King & made such, in order to preserve Peace & good order in my Nation, & I now look upon the Surrounding White Nations as all United & Children of the same Family: And as I shall use my utmost endeavours to regulate & direct my Young People to do nothing but what is friendly & right, I hope my Elder Brothers will take the same Steps in their Country.

I understand the Superintendant is going away to the Northward. I have therefore held many Talks with the Cherokees, Chickasaws, & other Nations, but shall henceforward listen to none but the English.

I have left many Warriors behind in my Nation, as well as Women, and Children, all whom I expect to find peaceable, & happy at my return; & when I have conversed with them, you shall hear from me; but at present it would avail Nothing for one to pretend to talk about Land, or where a boundary Line should be fixed, as my people are not all here.

The Talks are now all made White & Good between us & the White people; and friendship, which is at present but in its infancy, will daily increase & soon grow up, & then when impowered by the Consent of my Whole Nation, I shall soon Settle all matters of Boundary & every other differences with the English.

He then presented a Belt of Whampum which he had kept in his hand all the Time he was Speaking, one end whereof he desired the Governor to hold & held the other himself as a mark of Unanimity and Friendship, and having gone thro' the same Ceremony with the Admiral & Superintendant, he gave the Belt to the Governor.

The Superintendant then Said that he was now to deliver a short Talk from the Governor of East Florida.

The Governor of East Florida who arrived at Saint Augustine about the time of my Arrival here, is Likewise charged with a Talk to your Nation from the Great King George, and has some presents to distribute amongst you as a mark of the Royal favour. I therefore now desire you to appoint the time which will be most Convenient, for you to meet the Said Governor and me at Saint Augustine. The Object of that Meeting is the same as of this to remove all differences, and to obviate the Possibility of future disputes, by clearly defining & ascertaining the Line that is to devide that province from your Lands; & to enter into such mutual Obligations, as will best tend to Establish Peace, & Harmony, on the most permanent and equitable footing. I mention this now that you may have time to consult & give a determined answer before you go away.

The Superintendant then gave a String of white Beads, to the Mortar, Capt. Aleck, & Emistiseguo.

To which Emistisiguo answered in the manner following.

I would not have the Superintendant depend on meeting me at S^t^ Augustine, as it will be impossible for me, to be there at the time he mentions, I have always used my utmost endeavours to preserve peace & establish good Order, but cannot be at the Meeting at S^t^ Augustine. The Superintendant is now about to return home over the Great Water, where Peace reigns in like manner as over this Land; but I am going to the Northward & as I propose going down the Cherokee River as far as the fort at Massiac, I beg the favour of the Superintendant to give me a Letter of recommendation to the English Officer who Commands at that fort, from thence I propose proceeding down the River to New Orleans, thence to Mobille, cross the Coussa River & so home again; I am to sett out on this Journey as soon as the

Green Corn Dance is over, I should be glad to be informed of the particular Rivers upon which the French are forbid to Trade, as I shall endeavour to be aiding & assisting in preventing & making prisoners of such of them as I may find carrying on Such illicit Trade.

And then the Congress was adjourned to the Next day.

Tuesday May 28. 1765.

Present

His Excellency the Governor, John Stuart Esq^r^ Superintendant
Lieu^t^ Colonel Wedderburn &c. &c.
Indian Chiefs Interpreters &c. as Usual.

The Congress being opened as usual, Emistisiguo arose & Spoke as follows.

This is the day That I & my Elder Brothers the White people have met, & now I shall Speak my Sentiments to you.

The Eagles Tail which I hold in my hand, is the Custom of my Country, & spreads like a Sheet of Paper.

The Governor is Now on this Ground. We are not so Numerous as we have been but are the remains of a Great Nation, We will return home in friendship with the White people, & all bad Talks, shall be Wiped away.

The Words of Friendship & Peace have began to fall like Snow on the Ground, they are as yet but thinly Spread over the Land but as they continue falling they will soon Cover us over, & make us all White.

There is now three parts of my Nation here & they cannot Say but they have heard your Talks, which is like the Eagles Tail, White, & Covers us all over.

I now sit on my Kings left hand, I hold in my hand the Emblem of Peace, what I say are his Sentiments, & that of all the Nation.

With Respect to Talks which we shall Send you, or which We may receive from you none shall be Listened to, but such as are agreed upon by the meeting of the Head Men.

I have no more to say, but to put the Superintendant in mind of the Rum he promised us at the late Congress at Augusta, which we have Often Wished for, And to acquaint him that as the Women in My Nation are apt to Steal Horses as well as the

Young men, it will be necessary to give them some presents, in hopes to remedy that Evil, and if that does not produce the desired Effect I am affraid it is incurable.

The Mortar then arose and spoke as follows,

All I said yesterday was friendly and I propose that what I say this day shall be so too; there is a great Number of Red men here present, we are all together in a white house & our Talks shall be White also.

The Talks sent into our Nation by the English were all very good and the Interpreters can inform you that our not being all met together was the only cause of their meeting with any interuption.

As to the proposed boundary Line, I acknowledge I did not clearly understand its situation but am informed by Monsieur Montbereaut that it runs along by the Forks of the Alibamont and Tombeckbé Rivers Oposite to the Interpreters House.

I readily concur in the promise the Wolf King made at Augusta during the Late Congress held there and am far from wishing to alter the Line he fixed on that Occasion.

Here the Governor wanted to describe to him the Boundary already fixed by the Wolf, which he prevented by saying,

If the Peace and Friendship now concluded between the White and red people continues for Four Years, then there will be an Addition made to the Lands already granted, but your exceeding the present Limits before that time will occasion great Disturbances in the Nation, for that was the real Cause of the Spaniards being Killed who attempted to settle on the Indian Territories without Permission.

My Nation are said to be a mad people, but at present I have in my hand the Tail of the Eagle, the King of Birds which is a proof of my good Intentions & I hope my Warriors will always be well used when they come down here.

There are many bad, low white people who spread Bad Talks thro' the Nation, but henceforward they will not be listened to.

I understand the Admiral is going away over the Great Waters; I shall not recount what I have seen here where ever I go thro' Different Nations & I hope that hereafter the White people will embrace the Red people's Children as they would their own.

If my People here present have any esteem for me or expect to be looked upon in the future as mine, they must attend to what I am now going to say; I will never from this day, quit the White People or their Interest, and when any of my Young People come here they shall have no Rum to drink for any but head Men, and return immediatly to their Nation, for I look upon the English as my Brothers and hope they think equally well of me.

It will not be prudent to send a Commissary or Armourer it (to) my Nation before I have spoke properly to the Young People, who are very uncivilized and unacquainted with every Kind of Regularity or good Order, and then I will advise you when they may be Sent up among us.

I am extreamly glad to find the Path white as it now is & hope you will always continue to use the Red People well, otherwise I shall Imagine you have forked Tongues.

I now offer one hand to the beloved Men here Present and bear the Tail of the Eagle the King of Birds in the other which I desire they will hold fast and preserve that when any Indians pass this way, they may know that the Creeks have made Peace with the English.

The Talks of this day are now finished, I do not like to be tedious or sit long at a time, but tomorrow have something to mention concerning the Chactaws.

Then Capt Aleck a head Man of the Lower Creek Nation got up & Spoke as follows,

I have been Silent hitherto this Morning as being unacquainted with the Situation of the Lands near this place, for I am of the Lower Creek Nation. It is true there are but very few of my people here present, but I think myself Capable of bearing whatever Talks may be given out here, to my Nation & I shall accordingly inform you of their Disposition, the Upper Creeks have ended their Talks, but this is not the last Conversation I shall have with you, for I intend to meet the Superintendant, at the ensuing Congress to be held at S^t^ Augustine.

If you chuse to establish a Ferry it will make odds to us, whether it be within or without the Boundary Line; at the Head of S^t^ Roses Bay, we give a tract of Land, to M^r^ Forest the Interpreter, where if you think proper the said ferry may be established.

I have nothing more to say at present & now beg leave to observe that what I have allready Said has been Spoken openly & above board.

Then the Congress was adjourned to the next day.

Wednesday May 29th 1765.

Present

His Excellency Governor Johnston, John Stuart Esqr Superintendant

Indian Chiefs & Interpreters as usual.

The Congress being opened the Mortar spoke as follows

You must look upon us as a poor People & your younger Brothers who are now come to Converse with you, in former times we were entirely unacquainted with the Customs of the White People, but since they have come among us, we have been Cloathed as they are, and accustomed to their Ways, which makes it at this day absolutely necessary, that we should be supplyed with the goods in the Nation.

The King of England knows his Red Children are very Numerous, & must be Cloathed, they are all indigent & I hope the King, the Governor, the Superintendant & all other White people are sensible that they are so, & as I have this day considered the Conveniency of the English in granting them Land to plant, so I expect, they will in return Consider me and my People, This Land was formerly part of our hunting Ground, but now many of us, are grown old & Incapable, to kill Deer enough to purchase Cloathing. We had formerly good Success in hunting but are now obliged to Cross the Cherokee River for Game, which Considerations induce me to desire, that as Deer skins are become Scarce, The Trade may be reduced in proportion, so that we may be enabled to Clothe & maintain our Families, that is to say, that we may be able to buy a Blanket, for four pound Leather, when we come to Trade at Pensacola; a Pair of boots for 2lb. Leather; a flap for 1lb. a Blankett for 6lb. a Gun for 12lb. a Check Shirt 3lb. a White 2lb. a hatchett 1lb. Callico ℘ Yd. 2lb. as some of their Women are very big, Gartering ℘ ps 3lb. Nonsopretties 1lb. Silk Ribbon 2 yds. for 1lb. Broad hoes one for 2lb. fine Shirts 5lb. Rum ℘ Bottle 1lb. Leather, Price of Kettles to be reduced, in the price one pound, Baley Corn & small Beads 12 strands for 1lb. Leather, Sixty Bullets for one Skin, 16 flints for one skin the Quantity of Gunpowder to be increased from the old Measure, the price of handfs of every kind to be Lowered 1lb. Leather, Looking Glasses to be reduced in the price, 1lb. Leather. Thick Saddlers Laces, 6 yds for 1lb. Leather, Small black Duffles for 4lb. Leather, fine broad Ribbon, to stand as it does, these are the rates at which I expect to Buy Goods in my Nation: which, I imagine the English can afford to sell them at, & as their Merchandize arrives here without the Expence of Land Carriage upon Horses, they can afford to reduce the prices at Pensacola Still lower, Paint is an article of which the Red people are very fond and the Traders now in our Nation only give a little on the point of a knife for one pound Leather therefore I hope the Superintendant, will direct a proper measure for selling Paint, I expect to buy knives at the same Price at which they are Sold by the White People in the Woods, if I have omitted any thing I desire that some of my Warriors may mention it, & if the Trade is fixed upon, the above footing it will make them happy & I desire that they will immediately restore whatever they may have taken at different times from the White People.

I shall meet the Superintendant in the Cherokee Nation, & should be glad to have the Trade in my Nation, fixed upon the same footing as amongst the Cherokees.

I have reason to Suppose that you do not receive me like a friend, as I observe all the Flags you hang out, are Crossed with Red, Whereas I expected to see every thing White, were you to go into my Nation & see me with all my Warlike Implements about me you would think of me as I now do of you. here he ended his Discourse.

To which the Governor made the following answer.

I know that your people are poor, it has pleased God to make us Richer, than them, & that we shall Supply them with what they may want as far as we Can and altho' You have Granted to the English these Points of Land on which you used to hunt, yet you may still Continue to do so.

The Trade being reduced too Low amongst you will frequently occasion a scarcity of Goods, no person of any repute Trades to the Cherokee Nation which was in a great measure the occasion of the late Cherokee War.

Your endeavours to serve your Country, by Lowring the Trade, are highly Commendable You have spoke like a Man, & as such will no doubt be easily convinced upon hearing our reasons, that it will be for the Good of your Country that the Trade should Continue upon the old footing, it is very true some articles might bare a Little Lowring but those people who, in time of War, at so great a risque, carryed Goods into your Nation, must have Proffitts Equivolent, as Trading Licences are granted, from each province in America, indiscriminately it is not in the power of any Single Governor to reduce, or Augment the Trade, in the mean time, however, for your Satisfaction, I will call a meeting of the Traders to your Nation & Consult them upon that Head, altho I am well assured that if the Trade is Lowered, none but Vagabons & runagadoes will go to trade among you.

The Superintendant has long known the Cherokee Nation, but never yet has found a Trader amongs them Who dare go down to Charlestown least he should be apprehended, for Debt, or some missdemeanor.

The Superintendant is going round the different Provinces, & will Consult the Governors what Steps will be most Prudent to take in that affair, after which, The Mortar & his Nation shall be fully acquainted of the final determination of the said Governors concerning the Tariff of the Creek Trade.

As to the Red Cross in our Colours, it is no Emblem of War, but what we allways use, & you have often Seen amongst us.

Then the Congress was adjourned to the next day.

Thursday May 30th 1765.

Present

His Excellency Governor Johnstone, John Stuart Esqr Superintnd.

Indian Chiefs, Interpreters as Usual

The Congress being opened with the usual Ceremony, the Governor acquainted the Indians, that the Superintendant was now going to reply to the Talks which they had given in answer to what he & the Superintendant had said to them at their first meeting.

He explained the Nature of the Superintendants Office & his Majesties intentions in the appointment of such an Officer & then the Superintendant proceeded as follows.

I am now going to answer for the whole. I will first answer Captn Alecks Talk.

I am Glad to find you in the same Good disposition in which I left you at Augusta, of which you have given so many Proofs, during the Course of your Life; the White People must allways put a Value on your friendship, as the Governor & I ever will, we are very sensible of the effect, & Influence, your Talks have had on your Nation, & we desire you may continue them.

We observe the Confirmation of the Grant of Land as far as the flowing of the Sea, which was made at Augusta and likewise the Grant which you have given to the King in favour of Forrest at St Rose's Bay, and likewise the Request of making Ferrys for your Conveniency and Ours all of which will be complied with in Time.

Some of our People are gone to cut Wood at St Andrew's Bay for building here, and have erected a Hutt to cover them from the Sun, we hear that this has given Uneasiness, and as the Grant is now publickly made and confirmed by your own Consent we hope no Jealousy will arise for the Future and that Our People will meet with no Obstruction from any of your Young men.

The Superintendant then presented a String of white Beads to Captain Aleck.

I come now to answer Emistisiguo's Talk.

It pleases me much, and as you held in your hand when you spoke, the Eagles Tail which you compared to Our Paper, and as your Talk was delivered in the presence of all the Chiefs, so I hope the Impression will be as lasting & true as if on our Paper, I am sorry you cannot immediately answer for the Justice of your People in delivering the Horses, Negroes and other things belonging to the White People; I am likewise sorry to hear that your Women have been concerned in these Depredations; it is a sign the Evil is grown to a very great head whenever Women and Children are become parties thereto, nor can it be corrected by the Chiefs. However we will in the meantime give a few of such articles as you have asked for, not by way of buying our own again, as we expect restoration thereof from the Justice of your Chiefs.

And then the superintendant presented him with a String of White Beads.

I now Speak to the Mortar.

The Talks which you have deliver'd and the solemn Tokens of Friendship which you have given us, please us much, as we sincerely wish upon all Occasions to execute the great King's Orders to maintain Peace and Harmony in such a manner that the Red People may be convinced His Majesty never wished to disturb them, and that even now when all other white Nations are at Peace and retired from you and we at Peace with the whole World, he wishes as much as ever to preserve their Friendship and make them a happy People.

We are extreamly Satisfied with the Land you have granted to us and our only Reason for attempting to have the Boundaries exactly described is really to prevent all Disputes for the future, and now as soon as the limits are Described we will set up Marks and if any white People settles beyond them we shall never enquire how they came to be Killed.

You may be assured that a Commissary and Gun Smith being sent into your Nation was intended solely for your Good & Conveniency, of which you may be easily convinced from the frequent misunderstanding of Talks in the Nation which yourself have repeated here.

We shall pay no regard to any Talk that is not held at a general meeting, and in return desire they may pay no regard to any Talk that is not Signed by the Governor or me.

You may depend on our Observing what you recommend in regard to your Young men receiving no rum to drink when they come down here.

You said you would take notice how your People were used; I am now going to tell you what treatment they will receive; the young men will be allowed to bring their Venison and Skins and sell them to the People here, and get their Guns mended

& some particulars who may behave well will receive some Powder, shot and such provisions as we may have at the Time they come; all Justice will be done them, only the Chiefs will receive any Rum, and we are going to build a House for them.

We expect that, as Lewis Surman has been the Author of great Mischiefs you will deliver him up together with the Negroe he has possessed himself of.

We heartily wish all Happiness may attend You and Your Nation, but at same time it is impossible that Peace can ever be perfectly established unless the Chiefs will concur with us in bringing the White People in their Nation to Order and regularity.

The Superintendant having Spoke as above, & ended his Discourse, The Mortar Spoke as follows.

I am a King of the Ancient Bear family, the Chief part of our Talks are now finished & I shall only say a few Words to you, as it is necessary for the Superintendant to go round & Consult with the different Governors, so it is necessary for me to return to my Nation, in order to speak to my people whom I have left behind.

There are many Traders in the Nation who make it their Business to spread bad Talks about, & instill evil Notions into our Minds, a few days ago I heard things among my People that made me uneasy, but now I am totally satisfied, & hope the Talks which I have delivered have been kindly received, I am going over the Mountains & if I find that your Talks are the same there that they are here, I shall Conclude from thence, that a perpetual Peace & friendship is settled with you.

The Superintendant is going away & I am about to return to my Nation where I will call my People together & acquaint them with the Superintendants Intention of holding a Congress at St Augustine & his desire of meeting the Head Men of the Nation there, & at the same time will do what I can to induce some of them to go there as to myself, it will be impossible for me to meet him at that time as I shall be on the other side of the Mountains.

Then the Congress was adjourned to the fourth of April, [June] 1765.

Tuesday June 4th 1765.

Present

His Excellency the Governor, John Stuart Esqr Superint^{d}
Mons^{r} Montberaut, Deputy Superintendant
Colonel Wedderburne & A Great Number of other Gent^{n}
Indian Chiefs & Interpreters as Usual.

The Congress being opened with the usual Ceremony & this being the Anniversary of His Majesties Birth Day

The following Indian Chiefs were Vested with the Authority of Great & Small Medal Chiefs, under the Discharge of the Great Guns of the Fort & those of His Majesties Ships in the Harbour, & had Great & Small Medals & Commissions given them accordingly. Viz^{t}

Great Medal Chiefs

The Mortar	Upper Creeks
Emistisiguo	
Gun Merchant	
Devols Land Lord	

Small Medals

Topalga	Lower Creeks
The White Lieut	
The Beaver Tooth King	

Which Ceremony was Likewise attended with fifes and Drums.

The superintendant then gave a Charge to the Chiefs, explaining the Nature & Duties of their respective Offices, & afterwards presented them to the Indians standing Round, as their Chiefs requiring there strict Obedience and Respect to them as their Superiors.

This Ceremony being ended, His Majesties Health was drunk, & the Congress closed.

A True Copy of the Proceedings at the Congress with the Creeks at Panzacola.

Arthur Gordon
Secretary.

Text of the Treaty.

At a Congress held at Panzacola in the Province of West Florida on the Twenty eighth day of May, in the year of our Lord one thousand Seven hundred & Sixty five by His Excellency George Johnstone Esquire Governor of West Florida & the Honourable John Stuart Esq^r Sole Agent & Superintendant of Indian affairs in the Southern Department of North America. A Treaty for the preservation & Continuance of a perfect Peace & Friendship between His most Sacred Majesty, George the third by the Grace of God of Great Brittain, France, & Ireland, King, Defender of the Faith and so forth. And the Several Indian Chiefs herein Named, who are authorized by the Upper & Lower Creek Nations in their own & their Behalfs.

[Article 1st] That a Perfect and Perpetual Peace & sincere Friendship, shall be Continued between His Majesty King George the Third, and all his Subjects and the said Nations the Upper & Lower Creeks; and the said Nations of Indians hereby respectively engage to give the utmost attention to preserve & maintain peace and friendship between their People & the King of Great Brittain & his Subjects & shall not Commit or Permit any kind of Hostility Injury or Damage whatsoever against them from henceforward for any Cause, or under any pretence whatsoever, and for Laying the strongest & purest foundation for a perfect & perpetual Peace & friendship, His most Sacred Majesty has been graciously pleased to pardon & forgive all past offences and injuries and hereby declares there shall be a general oblivion, of all Crimes, Offences & injuries that may have been heretofore committed, or done by any of the said Indians: and the several Subscribing Chiefs for themselves and their Nation, do hereby ratify, confirm and forever Grant unto His Majesty and Successors the Cession of the Land made by a Treaty concluded at the Congress held at Augusta on the 10th day of November in the year of our Lord 1763.

Article 2 The Subjects of the Great King George and the aforesaid Nations of Indians, shall forever hereafter be looked upon as one people, and the Governor & Superintendant engage that they will encourage Persons to furnish and Supply the said Nations of Indians with all sorts of Goods usually carried amongst them, in the manner which they now are, & which will be Sufficient to answer all their wants.

3d The English Governor & Superintendant engage for themselves and Successors as far as they can, that they will allways give due attention to the Interest of the Indians and will be readey on all occasions, to do them full & Ample Justice, and the Said Indian parties do expressly promise & engage for themselves Severally & for their said Nations, pursuant to the full Right & Power, which they have so to do, that they will in all Cases & upon all Occasions, do full & ample Justice to the English, and will use their Utmost endeavours, to prevent any of their People, from giving any disturbance or doing any damage to them, in the Settlements, or elswhere as aforesaid, either by Stealing their Horses, Killing their Cattle, or otherwise, or by doing them any personal Hurt or injury, and that if any Damage be done as aforesaid, Satisfaction shall be made for the same, to the party injured, and that if any Indian or Indians whatever shall hereafter Murder or kill a white man the Offender, or Offenders, shall without any Delay, Excuse or Pretence whatever, be immediately Put to Death in a Publick manner, in the presence of at Least two of the English who may be in the Neighbourhood where the Offence is Committed.

Article 4th And if any white Man shall kill or Murder an Indian such white Man, shall be tried for the offence, in the same manner as if he had Murdered a White man & if found Guilty shall be executed accordingly in the presence of some of the Relations of the Indian who may be Murdered if they chuse to be present.

5th And to prevent all Disputes on Account of encroachments or supposed Encroachments committed by the English Inhabitants of this or any other of His Majesties Provinces on the Lands or hunting Grounds reserved & Claimed by the Upper & Lower Creek Nations of Indians & that no mistakes, Doubts, or Disputes may for the future arise thereupon, in Consideration of the Great Marks of Friendship, Benevolence, & Clemency, extended to us the said Indians of the Upper & Lower Creek Nations by His Majesty King George the third, We the said

Chiefs & head Warriors Leaders of our Respective Nations by Virtue & in pursuance of the full Right & Power we have & are possessed of, Have agreed and we do hereby agree that for the future the Boundary be at the dividing Paths going to the Nation and Mobille where is a Creek, that it shall run along the Side of that Creek untill its Confluence with the River which falls into the Bay, then to run round the Bay & take in all the Plantations which formerly belonged to the Yammasee Indians, that no Notice is to be taken of such Cattle or Horses as shall pass the Line; that from the said Dividing paths towards the West the Boundary is run along the path leading to Mobille to the Creek called Cassaba, and from thence still in a straight Line, to another Creek or great Branch within forty Miles of the ferry, and so to go up to the Head of that Creek and from thence turn round towards the River, so as to include all the old french Settlements at Tassa; the Eastern Line to be determined by the flowing of the Sea in the Bays as was Settled at Augusta, and we do hereby Grant & confirm unto His Majesty His Heirs and Successors all the Land contained between the Said Lines & the Sea Coast.

6th And as much as possible to prevent all disputes and Jealousies between the Traders, and the Indians in the Said Upper & Lower Creek Nations as well as to fix & ascertain the Prices and Rates at which Goods are henceforward to be Sold in the Said Nations, that the Indians may not be imposed upon, The Governor & Superintendant engage for themselves & Successors as far as they can, that the Several sorts of Goods, mentioned in the annexed Schedule, shall be furnished to the Said Upper & Lower Creek Nations at the Rates therein Specified, and the Upper & Lower Creek Chiefs agree & engage for themselves and their respective Nations that the Rates at which Goods of the Said Several Sorts are hereafter to be bartered, for half dressed Deer skins in their Country, shall be as Specified and set forth in the annexed Schedule.

In Testimony Whereof We the underwritten have Signed this Present Treaty, and put to it the Seals of our Arms, the day & year above written, and the Several Kings and Chiefs, of the said Nations of Indians have also set their hands & Seals to the Same, at the time & place aforesaid

Tapoulga LS
Toupouye Atche LS
Tastanakobuy LS
Yahatastanake LS
Effalaskina LS
Anabuy Mantla LS
Oppayre Aljo LS
Hillabe Tastanake LS
Yahouly Mico LS
Nealatko LS
Itobay LS
Effa Adjo LS
Obuyichlatka LS
Tossycay LS
Paye Oulaghta LS
Suyuchka LS

Capt^{n} Aleck LS
Yahastanake LS
Emistisiguo LS
The Young Lieu^{t} LS
Nealatko LS
Coosna Nealatko LS
Nehajany LS
Obaly Adjo LS

Effa Mico LS
Tuscay Oulaghta LS
Mico Atke LS
Tostanake Mico LS
Tossycay Mico LS
Wawaugh Ryota LS
Yanatla LS

George Johnstone LS
Gov^{r} West Florida

John Stuart LS
Superintendant S^{o}
District

By order of the Governor and
Superintendant
Arthur Gordon Secretary.

RATES of Goods in the UPPER & LOWER CREEK NATIONS.

	lb.		lb.
2 yds of Strouds for	8 Leather	1 Romall handkf.	2 Leather
1 Blanket	8 do	Saddles according to Quality	
1 do Shag end	6 "	1 Snaffle Bridle	4 ditto
1 White Shirt	3 "	5 Strands Barley Corn Beads	1 "
1 Check do	4 "	20 Strands Common d°	1 "
1 Fringed Housing	10 "	1 Pr Trading Scissars	1 "
1 Laced ditto	6 "	1 Knife	1 "
1 Pr Gartering	4 "	1 Cutteau	3 "
1 d° Dutch pretties	2 "	1 Trading Rasor	2 "
3 yds Quality binding	1 "	1 Oz, Vermillion	1 "
2 d° Silk ferret	1 "	3 Spans Brass Wire	1 "
1 d° Indian Callico	4 "	1 Pr Ear Bobs	2 "
1 Trading Gun	16 "	1 Large Silk Bengall	4 "
10 flints	1 "	1 Small ditto	3 "
10 Hawks Bells	1 "	12 Pea Buttons	1 "
½ Pint Gun Powder	1 "	Brass } Kettles no fixed price	
40 Bullets	1 "	Tin }	

Endorsed Creek Congress—In Govr Johnstone & Mr Stuart's joint Lettr—of the 12th June 1765.

CHACTAW CONGRESS.

AT A CONGRESS held at the Town of Mobille in the Province of West Florida, By His Excellency George Johnstone Esquire Governor of the said Province, and the Honourable John Stuart Esquire, His Majestys Sole Agent & Superintendant of Indian Affairs in the Southern District of North America And the Several Chiefs and Warriors of the Chickasaw & Chactaw Nations.

Tuesday March 26th 1765.

Present

His Excellency George Johnstone Esqr Governor of West Florida
The Honourable John Stuart Esqr Superintendant &ca
and the following Members of His Majesty's Council for the Province of West Florida vizt

The Honourable James Macpherson
The Honourable William Struthers } Esquires
The Honourable Francis Demorsier

and also the following Indian Chiefs—

Paya Mattaha, principal Leader & Several other Chiefs of the Chickasaw Nation—

Alibamon Mingo
Nashuba Mingo } Great Medal Chiefs
Tomatle Mingo } of the Chacta Nation
Chulustamastabe

Mingo Huma } Small Medal Chiefs
Pusha Huma

The Governor & Superintendant after the usual Ceremony of Smoaking the Calumet With the Indians aforesaid, Opened the Congress, and Prayers were Read by the Reverend Mr Hart: on which Occasion the Indians behaved with great Decency & Listned with the utmost Attention, after Governor Johnstone Delivered the following Speech—Vizt

Friends and Brothers

The Great King George who sent me here as a Governor of those Lands, Ceded to him by the French and Spaniards, after God had been pleased to give him the Victory over them in all parts of the World, directed at the same time, that Mr Stuart, the person whom he hase appointed, the General Protector of all your Rights, should meet you here, in order with his assistance to settle a perfect Peace & Alliance between the White & the Red Children of the King.

We have accordingly invited you together for that purpose, & it now gives me the greatest pleasure to meet so many Renowned Warriors and worthy Men on that desirable end—as it hase been the misfortune of many among you to pursue different

Interests from us in the former part of your life, which often leaves a Jealousy in the mind on a Subsequent Reconcilement, in order to Remove every Circumstance of this kind which might Interrupt the perfect pleasure which a Sincere Peace continually came along with it, We have therefore made Choice of Monsieur Montbereaut, who was your ancient Friend to manage the affairs of the Indians in this Province under us, and who being better Acquainted with our Manners & also longer Acquainted with you; seeing the Perfect Reconcilement which Subsists between the French and us, so that the Cause of the difference being removed the Effect should Cease.

The most pleasing Return which a Nation can make to the giver of Breath, After obtaining the Victory by his means is a gratefull Remembrance of all former favours and a Perfect forgiveness of all former Offences; this is becoming His benevolence who forgiveth all our Offences, & who is the mercifull Father of the whole World, Those then who have formerly Lifted the Sword against us, in the various Changes which Mankind undergo in this Life, may therefore expect the most Perfect Reconcilement, and that every darkned Spot is enlightned; Those who have adhered to us, in our adversity Shall have Cause to Rejoice at the Steadfastness of their Conduct; you are all Brothers, Relations, & Children of the Same Nation, We recommend it to you to Live as Such & you shall ever find us your common Father.

Before we proceed to any Business with one another, it is proper to wipe off every evil impression tho ever So small.

I understand some discontent had arose amongst you from the Long Space which had passed between the English taking Possession of this Colony & my arrival in the Province, & Likewise some Confusion had happened in the Messages inviting you to this Congress Since my arrival both of which had given displeasure.

Respecting the first you know our principal habitations of the Residence of Our Great King is far to the North of the Rising of the Sun & far beyond the Great Waters which encompass the World, Some of you have passed on the Bounding Waves, Those can Communicate to the Rest, & tho the Skill of so Small an Animal as Man is Carried to the Utmost Height in Conducting Such hughe Machines as those of Ships over so Vast a Space & through Such Mountains of Waves, where no Path can be found, yet we cannot Command the Blowing of the Winds, or the Current of the Waters, which depend upon the Spirit of the World, and therefore we are Sometimes Long & Sometimes Short in the Passage.

Instead therefore of being now displeased at the Length of my Delay, I hope it will rather endear me to your Sight in consideration of the Troubles I have undergone in coming amongst you, and that you will regard me with the Joy of Sons who had lost their Father and found him again.

With Respect to the Confusion which has arose from different invitations to come down here, I must report that my eager desire to meet you as soon as possible after my arrival had made me dispatch a Messenger in Conjunction with your beloved Friend Mr Stuart, to Invite you down on the 20th of Decr, in answer to which we were informed the Notice was so Short you could not be assembled in the time & farther that it would be interupting your hunting Season to call you down before the 20th of February, so that we readily Yielded our own Inclinations to your Convenience; After this day was fixed another accident oblidged us to put off the Meeting; you know the Short time we have been in this Province & the Impossibility we can as yet possess Sufficient Provisions of our Rearing for so Numerous a Body of Men; Oblidged us to Send over the Great Waters for a Supply, the Winds & the Weather proved Contrary to our Wishes, so that we were under the Necessity to put off our Meeting till its arrival, & hear I will just say that if you do not find your Entertainment so good as you might Expect, you must impute it to the infancy of our Settlement & the Smallness of our Possessions here which do not afford us Sufficient Space, even Supposing we had Sufficient time to Raise Provisions for such a Multitude of Men.

Now that I have given Sufficient Reasons for removing every Cause of dissatisfaction on the Points which I have heard gave you uneasiness, I will now Proceed to the Business of our Meeting.

It was the Command of the Great King George in sending me to this Province that I should do every thing in my Power to make his Red Children happy, it is my firm Resolution so to do.

The first Step towards the happyness is Peace upon a Lasting & Honourable foundation, it is to Establish this Object, as I have said before that we have Called you together.

You Generous Friends of the Chickasaw Nation, who have so long adhered to the Interest of the English, whom neither Dangers could startle nor promises Seduce from our Interest, I hope there is Little more Necessary with you than to Renew our Ancient Alliance, which as it has continued for many Ages to the Mutual advantage of both Nations, So I hope it will Continue until this Earth is dissolved and the Great day of Judgement Shall Come when God will Pronounce on the Actions of Men; Rewarding those who have behaved justly & Punishing those who have held a Contrary Conduct. I am Sensible there are many Complaints on the Behaviour of the Traders amongst you, & they have also many Complaints against the Young men of your Nation, but the whole of those differences arise from bringing that Poisonous Liquor called Rum into your Country, which has distracted your Wise Nation to Such a Degree that I never expected to have heard Concerning the Chickasaws, as they are our People who carry the Liquor which is the Cause of the Mischief, I consider them as the real Aggressors.

Those Men who are Guilty of carrying that Liquor amongst you ought to be Considered as your real Enemies much more than if they lifted the Hatchet against you, He who dies in War, his Time shall be remembered, but he who is destroyed by Drunkenness shall be forgott like the Hog who has perished in the Swamp.

The Effects of War are to Leave your Wives and Children destitute and Void of the Necessary Coverings which the Inclemency of the Weather requires, Spirituous Liquors have the same effect, they disorder your Senses, they disable you from pursuing your hunting and other necessary Occupations, they are the means of Obtaining your heaviest Skins for the intoxicating draught of a moment which leaves no Trace behind it but Sorrow and Sickness & by which you or your Wives and your Children are left Naked & forlorn.

If these are the disadvantages which the faithfull Chickasaws are to Reap from the approach of their Elder Brother, it would have been better for them we had been Sweeped from off the face of the Earth, for it is really rendering you the Greatest Evil, under the mask of Friendship, which is the most Wicked of all Crimes, like that of inviting my Brother to drink of the Cup when I am Conscious it contains a deadly poison.

Besides it is necessary I should inform you that this Liquor is bought for almost Nothing and that you get it at a great Price, and therefore those Traders can never be your friends, who introduce it among you & who by that means Really defraud you of your Property as well as destroy your health.

It is therefore my Request and it must be the Request of every honest Man who wishes you well, that you will Seize as your own property, every drop of Spirituous Liquors which may be introduced amongst you, & that you never will pay to any Man any debts which you may have Contracted on account of Spirituous Liquors. You see that I am far from Vindicating the White Man when they do wrong or Condemning the Red Men without Reason, I am hear as an Equal Father to both & you will ever find me Ready to do impartial Justice to either Party, particularly to hear and faithfully to Redress your Complaints.

But in order farther to remedy those disorders which have Crept in among you by the Irregularities of the Traders, it is proposed to Establish a Commissary at Tombeckbe who shall be ready to hear all Complaints & do immediate Justice upon the Offender, who shall deliver all our Talks and receive whatever Talks you are pleased to Send & no other Talks will be Considered as True. In Case the Commissary is Established it will be Necessary you Agree & Promise to give him every kind of Assistance in Apprehending Offenders and Carrying the Duty of his Office into Execution.

We Likewise propose to Establish an Armourer there for Repairing your Guns.

It is the Resolution of the Great King & every one Acting under him here to make you feel the Blessings of an English Government, you are all Sensible how much more amply you have been Supplied with all kinds of goods Since the English came amongst you, I do not mean to throw any ungenerous reflections on the French, They are undoubted a great & Noble people, but their warmest friends will Confess that they do not possess the Means which Providence has put into our hands of Supplying your wants with an Equal facility.

You are Conscious of the high price of Goods of every kind during the War between the English & French, whilst those Creeks who were in our Interest had those very Goods in the Greatest Abundance and at the most Reasonable Rates, the Real Reason of this was, that all Goods Coming to your Country must first pass over the Great Waters, and the English having Ten Ships to one which the French Possess, & being besides when they meet on an equal footing allways Victorious; The English took almost all the Ships which belonged to the french, whilst those belonging to the English were Sailing unmolested thro' the whole World.

From thence the French Really became Unable to Supply your Wants, I Speak this in the Presence of an hundred frenchmen, who can Contradict me if there is the Slightest untruth in the Representations.

The Handkerchief which I now hold in my hand Cost in those Miserable times, the Sum of thirty Dollars, and the Like Can now be had for at most half a Dollar.

Since the French then were not able to Supply your wants, how much less can the Spaniards who hardly make any Manufactures of their own.

But that you may Still Reap a further advantage from our Coming amongst you we propose to Establish your Trade upon yet a more advantageous footing for now that we can bring our Goods directly by Water to your Country & can Convey the Skins in Return by the same means, We think the Traders can afford to deal with you at the Creek Prices by Weight & Measure from whence you will have your Goods on a more Certain Method of Traffic as well as one third Cheaper.

It is true that the distance of the Chickasaws makes it difficult to Supply them at those Rates with any degree of Proffitt; but we could not think that all the Nations around Should be reaping advantages from the Cessions which are made to the English and that the faithfull Chickasaws to whom we owe most Should have none.

It was this Consideration that determined us to put them on the same footing with the Rest & it was this Consideration also which determined the Traders most Chearfully to accept of our Proposition.

I understand there are some Jealousies among the Chickasaws, on account of Some Land which Messrs High Rider Brown & James Colbert have Settled in their Country & that this Jealousy has been heightned by Some evil minded people.

If these men have made any Settlements in the Country of the Chickasaws, or if any Man shall hereafter make any Settlements in the Countries Reserved for the Indians, it is quite Contrary to the orders & Intentions of the Great King, & they shall be immediately ordered to remove from their Nation & to Convince you all of the Truth of what I Speak, I will now Read the Words of the Great King himself on that Subject as follows, "And we do farther Strictly enjoin & Require all Persons whatever who have either willfully or Inadvertantly Seated themselves upon any Land within their countries described, or upon any other Lands which not having been Ceded to or purchased by us, are Still reserved to the Said Indians as aforesaid, forthwith to remove themselves from Such Settlements."

By which you will See that no Land can be Settled without your Consent, but at the Same time as you are a Wise & reasonable People, you must be Conscious it is impossible for us to Supply your wants unless we have the Means of Subsistence Ourselves; you all know the Lands on the Sea Costs are so poor they will produce Nothing, & you must also be Sensible we must have Some place to produce Corn & Rice, otherwise we shall hardly be able to meet you again, for as I told you before we were obliged to Send for the Little you have now Eat from over the Great Waters, which might have been Lost on the Passage by many dangerous Accidents.

What Quantity may be Necessary for our Subsistance you Renowned Chiefs and Gallant Warriors of the Chactaw Nation, we will Leave to your own Generous determination, that it may not be Said we have endeavoured to Bias your Judgement, So that the Gift being free it might be delivered without Jealousy, and Accepted on our Parts with a double Grattitude.

Whatsoever Line shall now be fixed before so many Great Chiefs & Venerable Warriors, We shall most Strictly abide by, & we expect your Young Men will also adhere to the Agreement on their part & that they will not disturb any Settlers within that Line, Neither Kill any of the Cattle, nor Steal any of the Horses belonging to the Inhabitants, which has been too much practised, We farther Expect you will agree to bring in any Negroes who may desert their Masters Service, for which a proper reward will be allowed to the Person who Shall execute this Service. These are the Principles on which we wish to Establish a Lasting Peace, between the White & the Red Children of the King.

All the White Men on the face of the Earth are now at Peace amongst themselves the Great King wishes also to extend that Blessing to his Red Children, that the Aged Warriors may Spend the Remainder of their Days in Ease Plenty & Quiet & the Young Children Rise without Misery or Sorrow.

In order to Establish so desirable an End & that no disputes might heretofore arise, to break so good a Purpose, it was agreed between the Kings, that the Red Men on this Side of the Mississippi, should be Considered as English Men & those on the other Side as French, but as the French are now going to Leave New Orleans, which they have Ceded to the Spaniards, the Inhabitants who Remain there will be Considered as Spaniards, while the french who remain here will be Considered as English.

Instead therefore of throwing any ungenerous Reflections against our former Enemies, which the Brave will allways avoid, I heartily advise a perfect Reconcilement with all men, that you Who have formerly been of the English Party will now regard the french as your Brothers & you who have been of the French Party will now Regard the English as your Fathers.

Wether the English or the french had prevailed was in the power of the Mighty Spirit who made the World & all the things therein, who maketh the Thunder to Roll & the Storms to Blow, and the Seed to Rise & the Sun to Enlighten the Earth & the Stars to Shine at Night. It was his pleasure to give us the Victory over our Enemies and Establish us in this province to Supply the Wants of the Red People, whom he has left more ignorant of those Arts which he has Communicated to us; it is the Duty of his Creatures to Love each other & to Submit to his Will.

The Evils which have passed are buried in Oblivion like the Stone which is thrown into the Great Waters.

The friendship we have received are ever Present to our Minds like the Sunbeams Shining on the Surface to Gladden the Hearts of our old Allies & to engage the New to Attach Themselves with Fidelity.

In answer to that part of His Excellencies Speech which mentioned Jealousies Amongst the Chickasaws, Paya Mattaha the great Leader of the Chickasaws Said, That he did not know how his Excellency got information of any disturbances in the Chickasaw Nation, as there had been no bad Talks among his people Except that some time ago a White Man had Encamped in his Town opposite to the Chiefs house, that Some of the White Mans Stock not being Properly kept up had destroyed the Seeds which the Indians had put in the Ground upon which he was oblidged to desire that proper Care might be taken to prevent Such injuries for the future.

And then the Congress was adjourned to the 27th in the Morning.

Wednesday March 27th 1765.

Present

His Excellency the Governor, The Superintendant, Indian Chiefs, Interpreters, as at the Congress Yesterday.

The Congress being opened this day with the usual Ceremonies, Chulustamastabe a Chactaw Leader beged that he might be heard which being agreed to he Said; That he Considered himself only as a poor ignorant Savage, who has not even the Means of Subsisting his Family, & is Conscious that he shall make but an indifferent Speech, He is Sensible his Father is Come from a very distant Country to See him which makes his Heart Glad. He Sees Paya Mattaha Setting by His Fathers, that he has allways had the greatest desire of seeing his Brother Payamattaha, that he has allways Endeavoured by Good Talks and every other Means to Guide his people into the right path, and to walk therein, for he Shall allways think there is much more Merit in dying a Natural Death by keeping the Straight Path, than in Perishing under the Miseries of War, That he Sees the English Flag flying which he allways looks upon as a Portrait of his Elder Brothers on the other Side of the Great Waters, that formerly when War raged through the whole Indian Country, Even among his Brothers the Chickasaws; at that time he wished for Nothing so much as to hear Talks from his Fathers the English; That Mons^r Montbereau whom he Sees present was then an Enemy to the English, and he rejoices now to See him United With them; that the English & French are all as one People, & all his White Brethren are at Peace together, & wishes Peace may Reign all over the Earth; That when Red Men Speak they Sometimes disguise their Real Sentiments, but on this occasion his Fathers may observe that he bears in his Hand a White Wing, Wherewith he fans the Words he Speaks and thereby prevents all bad Talks from Escaping his Lips, or Entering into his Heart: That his Brother Paya Mattaha & he are allways Cemented together & as but one Person, that Paya Mattaha is much his Superiour, but he is Equally well inclined to hear good Talks, & as a Proof of the Veracity of what he Says, He holds in his hand the Eagles Tail, the Calumet of Peace, and Friendship which he Begs his Father will receive from his hands as by holding that he will be Certain of his Friendly Intentions, That there are here present with him this day all the Chiefs, Headmen & Warriours of the great party, whereby his Father may See that there are no Heart Burnings or divisions amongst them but that they are all as one, and Unanimously Concur in this Friendly Meeting; with their white Brethren; In order to hear their Fathers Talk,

Then he Sat down and the other Chiefs and Warriours being properly arranged the Superintendant Spoke as follows:

Great Chiefs, Chiefs of Villages and Warriours of the Chickasaw and Chactaw Nations.—

Friends and Brothers

The Supreme Being who made this World and all the Men who dwell upon it, has been pleased to Permit the Governor of this province & me to meet you here today.

We meet you by order of the Great King George Sovereign & Father of the Brittish Nation, The words to be delivered by us are his, And by us he this day Stretches outh is Arms to receive you, Listen therefore with Attention & let the Words we pronounce be deeply engraved on your Hearts. They are Calculated for your Tranquility and Safety; you your Old Men Your Wives and Children will be made happy by them.

When the Great Kings of England & France were at Variance the Rage of War divided your Nation & Stained your Country with Blood, Words of Malice & hatred went forth and the face of the Land was Covered with darkness. But now that it has pleased the Great Giver of Life, Moved with Compassion for Mankind to restore friendship between the English & French, as foggs gathered in the Night are dispersed by the Sun, So Words dictated by the Rage of War, Ought to be forgott in time of Peace.

The Great King George Actuated by his own Magnanimity and his Love for his Red Children is desirous to See them happy, & to render them so, has determined that the English and french Should be forever Seperated by the River Mississippi, that all the Red Nations on this Side of it, Should have him for their Common Father and Protector that Peace & harmony Should Subsist between his white Subjects and them, and that Jealousy Strife & Bloodshed, Occasioned by their different Attachments to us & the French Should for ever Cease.

That his white Subjects & you may be more nearly Connected, that you may Esteem one another like Brothers of the Same Mother, he has ordered some of them to Cross the Great Waters & Live upon the Fruits of this Land which the Supreme Being made for the use of Mankind, Being near one another you will have frequent opportunities of performing Acts of Brotherly

Love & Mutually assisting each other by Relieving one anothers Wants.

The Governor to whom the Great King recommend his Red Children in the Strongest terms has allready Spoke to you & delivered what he had in Charge from him, I was likewise ordered by the Great King to Come to this Country to meet you & with the Governor to Receive you as his Children into his Royal protection, and I have brought with me Some presents as Marks of his favour & Paternal Care, I sent jointly with the Governor to invite you to this meeting & now I have the Pleasure of Seeing you here together.

And First I speak to you Chickasaw Warriours, The King looks upon your Nation as a Son brought up in the House of his Father, who had been from his Infancy dutyfull & had by that Means Merited his Paternal Tenderness & care by which he was Preserved and defended from Numberless Surrounding Dangers, so has it been with you till this day, which is Clear & Bright, and the Paths from your Towns to every Country Round, are safe & Clear, And your Father Rejoices at your happyness & Continues to Love you.

And Next you Warriours of the great party of the Chactaw Nation, you were as a Son tho Seperated from his Father by Still persisting in Filial Duty merited that Return of Paternal affection, which the Great King has this day an opportunity of Shewing in the Assurances we are Authorized to give you of his Royal Care & affection whilst you Continue Obedient & Dutyfull.

And you Chactaw Warriours of the Six Villages & Small party like a Child early Lost & wandering you found & adoptep a Father, you served him affectionately in his Quarrel, you blindly Struck your own Brothers without knowing them, and you received Such proofs of Love & Grattitude as he was able to Shew you, But that Adopted Father the French left you & when you was destitute and in Danger of being Lost your True father found & knew you, He this day Stretches out his hands to receive you again & Buries in Perpetual Oblivion all your past offences; he offers you his Royall & Paternal Protection while you behave with Duty & Obedience. As a father who had

Long wished & pined with Anxiety for the Safe return of his Children from a far distant Country Rejoices at seeing them all safe, So do I rejoice at meeting you on this occasion.

With a view to your happyness the Great King has been pleased to appoint me his Agent to all the Nations of Indians on the Frontiers & to the Southward of Virginia, & has put their affairs immediately under my care and Inspection, It is my Sole Business to think & act for your Welfare, and to provide for your wants, to Point out to you the Path in which you may Safely walk, To render it Straight & plain by Removing out of it, Whatever may injure you or hurt your feet.

It Likewise becomes incumbent upon me as your father to advise & tell you what Sort of Conduct Will entitle you to a Continuance of the Royal protection & Likewise to Warn you by Shewing you the Steps by which you may most certainly forfeit it, and plunge yourselves into irretrievable Misery.

As you are this day all received by the Great King as his Children, it is Likewise his desire that you Live together like Brethren of the same family, That you imitate his great Example & from this Hour forgett all former Offences and Injuries, that Jealousy & Party divisions may for ever cease and be Succeeded by mutual Confidence, Acts of Friendship & Brotherly Love.

From this day forward you are to look upon yourselves, as dependant upon the Generosity and Benevolence of the Great King George, It is by his Permission alone that your wants can be Supplyed that Traders can go amongst you, That you can have Guns, Powder, Ball, Cloathes, Knives, Hatchets, Hoes & such other Necessaries as you cannot Subsist without and are totally incapable of making.

It is he that furnishes you with the means of Living happily & if he withdraws his protection from you, you must be miserable, you must Perish, He then has a Right to expect your Obedience & duty as all he requires of you is with a View to your own happyness.

That you may have Justice done you on every occasion a Person of Wisdom & Knowledge will be sent into each of your Nations properly Authorised & Instructed, His Business will be to hear your Talks and Transmit them to the Governours

& me, and to deliver to you such Talks as he shall be Charged with; to inspect & examine into the Conduct of the Traders and to procure you Justice if injured by them. As it is with a view to your Happyness that such persons are to be sent among you, It will be expected that you Respect & Honor them, That you Listen to their Talks & to their Talks only, that you protect and defend their persons and Support their Authority by giving what Assistance they may require from you in Executing their Offices, or in apprehending any white Person Guilty of any great Offence, or who shall break their Contract & not fulfill the Conditions upon which they are Permitted by the Governors of the Provinces to go into the Nations as Traders, It will Likewise be expected of you, great Chiefs, that you do Listen to all Applications from the Commissary for redressing any Injustice done to the Traders which must be determined according to the Sentence of any one or more of you the Great Medal Chiefs and the Commissary; in Cases of Theft, Robbery debt or Personal Insult. You great & Small Medal Chiefs and Captains with Gorgetts you are not to Consider your Medals and Gorgetts Merely as Ornaments, you must Consider them as Signs of the high offices you bear and of the Great Trust Reposed in you by the Great King, the Presents that you receive with them, are Considerations for the Services that are Expected from you, which are that you do Govern and Restrain your Young people from acts of Violence and injustice against the Traders in your Nation or any other of His Majesties Subjects you are by frequent Talks to make them Lovers of truth and honesty, & to punish them if they mislead you in Administering Justice by False Evidence; you are to admonish them to be Sober and inoffensive; When they come into the Settlement they are not to kill the Cattle of the Inhabitants or injure them in their Persons or Estates, and as your Towns are plentifully Supplied with Goods, you must advise your People to be industrious and good Hunters and to depend on themselves for Cloathing their Families and Supplying their Wants.

The Traders who carry you Supply's of Goods, who leave their Country and Families to be usefull to and live among you, are Considered as immediately under the Protection of the Great

Chiefs, Altho it be by the Great Kings Permission that they go into your Country, yet they are freemen & cannot be Compelled to go amongst you, if you Rob & Insult them, if you Treat them with Contempt, if there Persons & Effects are not entirly Secured & Protected, you cannot expect that they will Consent or be Permitted to Remain among you, if they leave you, if you are not Supplied with Necessaries what will become of you? Will you not look upon & Treat Such People as shall Rob, insult, or use them ill as your Greatest Enemies, as Men who are Solicitous to involve you in distress & Misery?

If any Trader or other of His Majesties Subjects be killed by an Indian, It is your Duty to give immediate Satisfaction by putting the Murderer to Death & if an Indian be killed by any white Man Such white Man shall be Apprehended & Tried, & if Found Guilty he shall be put to Death in the same manner as if he had killed a White Man. This is what is expected from you great & Small Medal Chiefs Captains with Gorgetts and Warriours with Commissions.

If you perform what I have recommended to you, You will be entitled to a Continuance of your Commissions as Marks of His Majesties Approbation, and you will have the great Satisfaction of procuring for your Nation Real & Solid happyness under his Royal protection and favour. But when I hear of dissorders killing of Cattle Robbing Plantations, Beating and Abusing Traders, Breaking open their Houses I shall Naturally enquire who they are, & to what Town they belong who Shall be Guilty of Such Actions; I must then Conclude that the Chief of that Town is either not Capable or Willing to do his Duty, in either of which Cases it is my Duty to find a better Man to Reap the Honor and Advantages of His Majesties Commission.

And now I speak to you Warriours & Men who bear Commissions; as all that I have Said is Calculated for your Happyness, I hope you have Listned with attention & will Remember it, you must honour & obey those Chiefs & Captains who bear Commissions. It is by their Wisdom Justice Reputation and great Abilities as beloved Men and Warriors that they have arrived at Such Preferment, the means of becoming Great like them, is to be Good like them to immitate them in Justice &

Wisdom, in Grattitude to your Benefactor the Great King; to follow their Example, to Listen to their Words, to Reverence their Persons & to Merit their Recommendations without which you can never arrive at Preferment, you are to look upon them as the Fathers of their Country; who have only happyness in View, and you must Submit to their decisions as greater & Wiser than you are.

It is my Duty to be Solicitous for your Welfare and Happyness, It is my Duty to Love my Brothers the Red Children of my Sovereign, and as a Proof of my affection for you & to Convince you that there is no distinction between us and the French Inhabitants of this Province who are now become Brittish Subjects and who are to be Regarded as Such by us and you, we have made Choice of Mons^r Montbereau to Manage & Superintend your Affairs when the Kings Business may call me hence, his affection for all Red Men, his Abilities & Talents for the Management of their affairs, are well known to Such of you as were formerly in the French Interest: And I recommend to you Paya Mattaha & Warriors of the Brave Chickasaw Nation, & also to you Great Chiefs & Warriours of the Great Party of the Chactaw Nation, not to think the worse of him because he was formerly your Enemy that it is now to be forgott, & in my absence you will Experience from him the Same tenderness & Regard as you have allways experienced from me, and as a further proof of the Great Kings Love and Compassion for you he has ordered me to send an Armourer into each of your Respective Nations, who shall be furnished with a forge and other Necessary Tools to mend your Guns, when they shall become out of order, that you may be enabled to kill Deer, & give meat to your Families; and with the Skins Purchase Cloaths & other Necessaries from the Traders. The Armourer will be immediately under the direction of the Commissary, who will Cause such Guns to be mended as shall be recommended to him by the Chiefs bearing Commissions and no Gun will be received except from Such Chiefs, It being just that they should have it in their Power to distinguish Such of their People, as are dutyfull & Obedient from the Obstinate and Perverse.

When the French Governor took leave of you he admonished you thence forwards to look on yourselves as Children to the Great King of England and to look on his White Subjects as the only People that Can Supply your wants; The advice was good & given with a View to your Happyness, keep it therefore in your Hearts.

The Kings of France & Spain have agreed between themselves that the Island of New Orleans & such Lands as belonged to the French on the other Side of the Mississippi should be delivered & henceforwd belong to the Spaniards, after that Event takes place you are to look, upon all the frenchmen that Shall remain on the Island of New Orleans and in the Settlements to the Westward of the Mississippi as Spaniards, & all the Frenchmen who are now or shall hereafter be permitted by the Governor, to Settle on this Side the Great River Mississippi; you must look upon as Brittish Subjects your Brothers & Children of the Great King.

The Small Nations on the Eastern Banks of that River and the Lakes Maurepas and Pontchoutrain are likewise received under his Protection, & with you become his Children & Share his Royal & Paternal Care, he had Compassion on their destitute Situation and that their wants may be relieved, He has given order that Traders may go & Supply them & that a Commissary do also reside among them, to take Charge of their affairs & See justice done them on all Occasions, But as the Commissary and Traders would be exposed to Insult from Parties of the Nations to the Westward of the Mississippi, It is judged expedient to have a Strong house Built for their Protection, The Governor proposes to have it Built where the River Iberville Leaves the Mississippi and divides the Land Ceded to us from the Island of New Orleans, at it the Surrounding Small Tribes will allways find their wants Supplied, there they will allways get their Guns mended and whatever Grievance they may hereafter have to Complain off or Representations to make to the Governor of this Province or me as Superintendant of their affairs will be heard by the Commissary and properly Conveyed to us.

By this you See being weak & poor does not Exclude these Nations from Sharing the Great Kings Bounty, He cannot Stand in Need of their Assistance nor has he any other Reason for Courting their friendship than to Render them happy yet he pardons their offences & heaps Benefits upon them.

What further Proofs can you desire to Convince You that the Great Kings affection for you is pure and disinterested like that of a True father, To make the proper use of the Blessings he Bestows upon you is all he desires of you, He asks nothing of you, but to be good & to be happy Is it not then incumbent upon you who are Strong and arrived at Years of Maturity to admonish your Younger or Weaker Brothers you must point out to them the Path in which they are to Walk & if they prove Ungratefull and Disobedient to your great Father & his White People, you must tell them their Duty & even Chastize them if they obstinately Persist in doing wrong. It is your Duty you Great Chiefs not only to avoid yourselves, but Likewise to order your Young People, not to Listen to the Talks sent you by, or have any Communication with the Northern Tribes who have foolishly taken up the Hatchet against your white Brethren, Their Talks their Calumets their Belts of Wampum are all Poisonous, if you receive them you will be in danger of being infected with the same Madness, which hurries them to Misery & destruction. They are now flying from the just Resentments of the Great King whose offers of Friendship they madly rejected, They are Imploring his Mercy & forgiveness in the humblest manner, But you are Wise & will Shun the Crooked Paths in which they Lost themselves.

When Peace was Established between the Great English and French Nations, It was agreed that the English Should take Possession of all Posts on this side the River Mississippi which had been occupied by the French; It was in Consequence of this agreement that a Regiment of the King's Troops under the Command of Major Loftus attempted Last year to take Possession of the Country of the Illinois,[1] upon his Passage he was insulted & fired upon by some people belonging to one of the Small Nations, Inhabiting the Banks of the River, which occasioned his return, a Possibility of misplacing his Vengeance & Punishing the Innocent for the Guilty, Prevented his falling upon and destroying Such Villages as were open to his Resentment, for he knew not from what hand he had received the Blow.

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[1] For account of the Loftus expedition see Encyclopedia of Mississippi History, Vol. ii, p. 111, facts and authorities given.

A Party of His Majesties Troops will soon reassume the Expedition for taking Possession of the Illinois, as those Small Nations have been forgiven on Account of their Ignorance, as they have received Tokens of His Majesties Goodness & Protection, if they prove so ungratefull & wicked as to Obstruct or Insult the Troops in their Second Voyage; They are not to expect any further favour or forgiveness, They on the Contrary may expect to feel the Severest Effects of His Majesties Resentment.

It will therefore Shew your Wisdom & Love for your Younger Brothers, if you will admonish them to Walk in the Straight Path, & by every act of friendship in assisting the Troops, To Shew that they Merit the Happyness Offered them in the Great King's Protection and for this purpose you will send Messengers to them, And I expect of you Chickasaws & Chactaws, That you will Grant whatever assistance may be required of you and in your Power, for facilitating the Passage of the Troops.

It is the Great Kings express orders to his Governors and all his Subjects, not to encroach on or take possession of any Lands belonging to the Indians, without first asking & obtaining the Consent of the Nation, to whom Such Land may belong, which is not to be done by any Private Bargain or Talk, but in a Publick manner at a General meeting with the Chiefs of Such Nations Whereat, the Governors of the Provinces & Superintendant must be present, It is to make you happy that the King permits his White Children to Come & Settle Near you, but they Cannot Come to Live in this Country except you allot them Lands to produce Corn for their Support & Grasing for their Cattle, It will not be in the power of your White Brethren to feed you when you come to See them without they have Lands to plant.

We have no Intention to encroache on or take Possession of any of your Lands without your own Consent; The Heads of your Nation are now alltogether, I desire you will Consider this Matter Maturely & point out Clearly the Limits of the Land you shall judge proper to give us, and on our parts we in the most Solemn manner Promise that we will Acquiesce in what you

Shall determine, faithfully Observe the Treaty, that in Consequence thereof shall be made, and that not one foot of your Land shall be Possessed by any of the Kings white Subjects beyond the Boundaries you shall prescribe.

Now Paya Mattaha and Warriors of the Brave Chickasaw Nation, and you Great Chactaw Chiefs & Warriors of the Great Party, the Small Party and Six Villages.

I Hope you have Listned with attention to the words which have been Spoken and that you will Consider them as Calculated for your Happyness, I have only further to Recommend, That from this Hour all Party Jealousies among you do Cease. That you Live together in Harmony as Children of one Father the Great King, That past offences be forgott & Buried in Oblivion, that no other Emulation or Strife do Exist in your Nations, But who shall be most Dutyfull to His Father & most Affectionate to His White & Red Brethren.

That the Chiefs Strive who shall best Govern their Young Men, & the young men who shall best Merit preferment by attention to the advice and Obedience to the orders of their Superiors, & that upon all Occasions you will Shew your Grattitude Love & attachment to the Great King George, by admonishing, advising & even Chastising any Nation of your Red Brethren that may prove undutyfull & madly take up the Hatchett against their white Brethren.

The Governor has Shewn you the Mischiefs brought upon your Nation by the Great Quantities of Rum introduced among you, by it your Bodies and Minds are ennervated, you & your families are Striped & Miserable, And from Bold respectable Warriours you are Rendered furious Madmen, who treat your dearest Friends & most inveterate Enemies alike. It then becomes your Duty Chiefs and Warriors & discourage the Importation of it, To your Towns by every means in your Power; and to Consider those who carry it among you as bad Men; who are acting in Violation of every Regulation, and take the Surest methods of rendering you wretched and Despicable, you will then pay attention to what the Governor has Said on that Subject.

If you remember & Regulate your Conduct by what you have heard, You will be happy, You will enjoy uninterupted Peace, you will See your Tribes well Cloathed and your Children grow up, who will in your Old Age defend & honour you, to whose wisdom they will be indebted for the most Valuable Blessings, And I pray to the Great Creator of the Universe that it may so happen.

Then Monsieur Montbereau the Deputy Superintendant having desired leave to Speak to the Indians, which was Granted, he admonished them to pay atention to what the Governor & Superintendant had Said; he afterwards acquainted them with the Nature of his Employment here, & the Concern he was to take in their affairs.

His Speech being ended the Indian Chiefs desired time to Consider of the answers they should make and the Congress was accordingly adjourned till the 29th but the Weather being Cloudy & Rainy the Indians desired the meeting might be put off till a Clear day as their Talks are to be White and Clear, which desire being acquiesced in the Congress was referred till Monday the first of April.—

Monday 1st April 1765

Present

His Excellency the Governor, the Superintendant,
Indian Chiefs and Interpreters as usual.

The Congress being opened this day with the usual Ceremony the Indians were acquainted that the English Chiefs were come to hear what they had to deliver in answer, or any other New Matter, that the day was devoted to Listen to them, & that the manner of Proceedure was left to their own Determination according as they had or might Settle it among themselves.

After Some little pause Tomatly Mingo of Ceneacha great Medal Chief in the District of the Six Villages arose & Spoke as follows

I am the first of the Race of Imonglatcha it is true I am a poor Red Man who came into the World Naked, and since my rising into Manhood have Acquired no Necessary Arts to Supply those Wants; Yet I am going to deliver my Sentiments to my Father Boldly as a man who does not regard triffling Inconvenience.

It is the Custom of the Red Men to take Preceedence according to their Seniority, I am of the Race of Imongolatcha & in Consequence the Second in Rank in the Chactaw Nation, The Race of Ingholakta is before me, but on this day being Invested by the Consent of the Chiefs with the Authority of the Pipe and other ensigns of Peace, I now take place of Alibamo Mingo, Altho I acknowledge him to be my Superior.

The first white Men who arrived in the Chactaw Nation, Came from the Rising of the Sun, they were well received & kindly Treated, before that time the Chactaws were Ignorant & in want of every Necessary, but they instructed them in many things and Supplied their wants.

As I said before I am a poor Red Man I now See white Men who have Crossed the Great Waters to Come & take possession of the Country; that I have long heard of White Men coming by the Power of the Clouds, and that no doubt the English are Come both to Pansacola & this Country, for the Benefit of the Red People as well as their own and in Consequence to bring us the Necessary Supplies of what we cannot make & yet cannot Subsist without.

I now Speak for all the Chiefs and Warriors of my Nation, we thank the Great King for sending a father amongst us, you have undoubtedly Run great Risques in coming here, & it is to be Supposed as you come to Supply all our Wants, you have brought Guns Cloathing and other Necessaries.

That certainly the Great King in Sending his Chiefs here took care that they came not in want for anything. I therefore hope the English Powder will flourish in the Land & enable us to Supply our Wives and Children with all Necessaries.

I was formerly a frenchman now they have abandoned me and left me to the English, how many times is it Necessary I should declare myself an Englishman You Favre was formerly French, now you are become English, and if I am become their Son, they must Act the Part of a Father in Supplying my Wants by proper Presents and also by furnishing a plentyfull Trade.

You are now come to a New world we are your Children, & we hope to return to our Villages with Marks of your Bounty, and as it is acting the parts of Brothers Mutually to Supply each others wants, we are determined amongst ourselves to give you Lands which you may plant.

That as the whole Chactaw Nation is under the Protection of the English, we hope there will be no distinction made between the friends of English and those who had formerly adhered to the french Party But that our Wives & Children will Return home Cloathed with the Bounty of their New Father.

I now address myself to the Superintendant who is the father of Red Men.

As you are Sent here to draw the Nations to the Brittish Interest, We hope you will not dispise our Wives and Children, but Supply their wants Our Warriors will ask you for Saddles, Our Women for Trunks & other Small Necessaries, you are our Father & we depend upon your Care.

You told us that your People our White Brethren wanted Lands to Plant, We now give you as far as Atchatickpe, We have long wished to See the English amongst us. Altho the Land is Said to Belong to the whole Nation, Yet Asenuba Mingo, and I give it to you, as being Authorized by our Birth, & we hope you will be as generous as the french were, & send us all home Contented to our Nation.

The Limits of the Land which we give is a Straight Line from Atchatickpe on Tombeckbe River to the Source of the Baccatane River which falls into the Pascagoula.

I hope the Great King will kindly Accept of this Cession and make no use of it to our disadvantage, and tho individuals in our Nation may Murmur that should not be thought off as the Lands are granted by those who have a right to make Cession. We hope that your Settlers will not pass Cent, Iboue; that you will allways keep a garrison at Tombeckbe, but not allow it to exceed twenty or thirty Men at most, & that it may be allways well Supplied with Provisions & all sorts of Goods. It is necessary you should Caution & restrain your Traders who often Treat our Warriours with Indecent Language they often call them Eunuchs (Ubacktubac) which is the most opprobrious Term that can be used in our Language, Such treatment will enrage our people and we cannot answer for the Consequences, as the Red Men in General are very Jealous of their Wives, it will be Necessary to

Caution the Traders not to give them Offence in that Particular by using any indecent freedom as their Conduct in this Respect may be productive of very great disturbances.

I have now finished what I had to Say and shall give place to others who have a Right to Speak.

After he had sat down, he got up again & Said; that he had forgott to mention that the Lands from Nameaba to Old Tomé were excepted in their Cession made to the white people and reserved for the Nameaba and Mobillian Indians.

Tabuka of West Jasu Spoke Next

Chiefs Warriors and People Present, Be not Surprised at the manner, I shall address myself to the makers of Powder & Ball, I am of the Race of Muntgatätcha and have a Right to Speak.

Formerly we had no knowledge of things necessary for our Existance, we were unable even of making the first Necessary which is fire; that in case of the Rain happening amongst us as it had on the two preceeding Days, to a degree to extinguish all our Fires, we must have been in the greatest distress Supposing we had not known the Art Taught us by the White Men on that Subject which is now become so familiar and Usefull.

For my part I dont Talk much I have allways been a Man to make Union Among the Warriors, I am the Chief it is True, & in Consequence hold up this white Wand as a Sign of the peace but all the other Powers I have given to Shulustamastabe who is more Capable,

That I will hold by the Talk of Tomatly Mingo, as it was agreed Respecting the Lands, and I Trust the rest of my Sentiments to Chulustamastabe who will Speak in the Morning when Names will be given to the Governor and Superintendant.

Alibamo Mingo

You Favre have allways heard me Speak in every Assembly, Since you was a Boy, but now that I am Old without Teeth, half Blind, and all the Race Convened to give their Sentiments, perhaps it may not be proper for me to Speak. Nevertheless I feel myself so fired with the Occasion that I cannot refrain.

I am of the Great Race of Ingulacta, I am Master of the whole Chactaw Nation by Birth, by Long Employment & by Long Experience it is to me to give Instruction to the rest, I have made alliance with the other Race of Imongulacha, and we have agreed that our Talk Should be one, I heard the Words of the Chiefs with great Attention, and when I really found they came here to make any Brothers happy I wished for my Eyes & my Ears & my Teeth again.

When I was Young the White Men came amongst us bearing abundance along with them, I took them by the hand & have ever remained firm to my Engagements, in return all my wants & those of my Warriors & Wives & Children have been Bountyfully Supplied. I now See another Race of White Men Come amongst us bearing the Same abundance, & I expect they will be equally Bountyfull which must be done if they wish equally to gain the affection of my people.

I and my Men have used the Guns of France these Eighty Winters Back, I wish I was Young to try the English Guns & English Powder both of which I hope will flourish & rejoice the Heart of the Hunters thro' the Land and Cover the Nakedness of the Women.

With respect to the Land I was not Consulted in it, if I was to deliver my Sentiments evil disposed People might impute it to Motives very different from those which actuate me, it is true the Land belonged chiefly to those who have given it away; that the Words which were Spoken have been written with a Lasting Mark, the Superintendant marks every word after word as one would count Bullets so that no variation can happen, & therefore the words have been Spoken and the eternal marks traced I will not Say anything to contradict, but, on the Contrary Confirm the Cession which has been made. What I have now to Say on that head is, to wish that all the Land may be Settled in four years that I may See it myself before I die.

I Listned to all the parts of the Talks and Liked them exceeding well, except that part from the Superintendant, where he reported that those Medal Chiefs who did not behave well Should be broke & their Medals given to others. The Conversation I have held with Faver, in private, has rung every Night in my Ear, as I laid my Head on the bear Skin & as I have many Enemies in the Nation, I dreamed I should be the Person, which would break my heart in my Old Age, to Loose the Authority I have so long held.

I cannot Immagine the Great King could Send the Superintendant to deceive us. In case we deliver up our French Medals & Commissions we expect to receive as good in their place, and that we Should bear the Same Authority & be entitled to the Same presents, If you wish to Serve your Old Friends you may give New Medals & Commissions & presents, but the worthy cannot bear to be disgraced without a fault, Neither will the Generous Inflict a Punishment without a Crime.

There was one thing I would mention tho' it cannot concern myself, & that is the Behaviour of the traders towards our Women, I was told of old by the Creeks & Cherokees, wherever the English went they caused disturbances for they lived under no Government and paid no respect either to Wisdom or Station. I hoped for better things, that those Old Talks had no truth in them. One thing I must report which has happened within my own knowledge, that often when the Traders sent for a Basket of Bread & the Generous Indian sent his own wife to Supply their wants instead of taking the Bread out of the Basket they put their hand upon the Breast of their Wives which was not to be admitted, for the first maxim in our Language is that Death is preferable to disgrace.

I am not of opinion that in giving Land to the English, we deprive ourselves of the use of it, on the Contrary, I think we shall share it with them, as for Example the House I now Speak in was built by the White people on our Land yet it is divided between the White & the Red people. Therefore we need not be uneasy that the English Settle upon our Lands as by that means they can more easily Supply our wants.

Nassuba Mingo

What can I say which is worthy, after so many great Chiefs have delivered their Sentiments or what can we Say which is worthy the attention of those who are Listning to our Talk.

Formerly I was Young & hardy & went to War & changed my Sentiments by the hour, since I became old I began to See the Vanity of things, & act with Stability Void of Passion, I have declared myself an Englishman & I am so.

The latter part of my Days has passed near a Talker to the Great Spirit, he was a Man of Soft & Peaceable manner, instead of embroiling, he endeavoured to Conciliate. Since I saw the Beauty of his Conduct it affected my heart, & I have endeavoured to follow his Example, So that the English may depend my Talk will be for Peace.

Some people are angry that we have given So much Land, but for my part I have long thought the nearer we are to the whites the happier we shall be if they really Come to Supply our wants which I cannot doubt after so Solemn declarations which I am Conscious others will be persuaded off as well as I when the Presents Come to be distributed. Of all the Wonders which the white Men perform, in making of Powder & Guns & wondrous Glasses, none Surprises me more than the Bringing a parcell of Boards fixed together with such deep Loading, thro' the trackless Waves, by the Power of the Clouds. I was glad I could Shew them to my Country Men so deeply Loaded, for I am sure that the King of England would not have sent Stones such a Long way to deceive us. But I am Glad the Goods are Come for there can be no excuse as the French used to make, that they were taken by other Canoes in the Clouds.

I am sorry to observe those very people who were most for the English in their Absence are now the most jealous on their Approach. But turbulent people will Still be Turbulent in whatever Situation they Live. I must again repeat my attachment to the English and as they have Said they have all things in greater abundance than the French, so I expect my people will receive presents in greater abundance, and if we do not, it must proceed from want of affection in their Father, & not from want of Ability, I do not Speak for myself but for my Warriours, their Wives & their Children, whom I cannot Cloathe, or keep in order without presents.

His Speech being ended the Congress was adjourned to the Second of April.

Tuesday April 2^{d} 1765.

Present

His Exellency Governor Johnstone
John Stuart Esq^{r} Superintendant

Lieut Colonel Wedderburne
Monsr Montbereaut Deputy Superintendant
Indian Chiefs & Interpreters as Usual

The Congress being opened Chulustamastabe arose desired to be heard & Spoke as follows,

It is determined amongst us to give the Governor, Superintendant, Colonel Wedderburne, the Chief of the Warriors here, & Monsr Montbereau; Indian Names by which they may be known & distinguished throughout Our Nation, this is the day we have appointed for that Ceremony, which is usually Performed by us with great Solemnity.[1] We hope you will receive them as a Mark of our Attachment, & that our Ceremony may be attended with the Report of some great Guns from the Fort. Then Tabuka of West Yasu approached the Table, Singing & waving an Eagles Tail with which he fanned the Governor, and pronounced the Name of Ungulasha Mattaha, by which he called him, and which was three times repeated aloud by all the Indians Present.

Chulustamastabe in the same manner with the Same Ceremony & Solemnity Named the Superintendant Chactamataha Chito.

Nassuba Mingo Named Colonel Wedderburne Fannimingo Mattaha.

And Appopaye Named Monsr Montbereaut Ulaghta Mattaha.

Which Ceremony being ended Chulustamastabe & Appopaye presented the Superintendant & Monsr Montbereaut the Calumets & Eagles Tails.

Chulustamastabe then proceeded as follows,

I now arise to Speak for myself & People, it is the Custom of the English & other Nations amongst whom I have been, to appoint one or two Persons in great Assemblies to deliver the Sentiments of the whole, in this I Chuse to follow their Example rather than that of my own Countrymen. Then turning to his people he Said; I have been in many Nations where the Sentiments of the people were allways delivered by one Chosen for that purpose, the Chactaws only have the Rage of Speaking,

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[1] This ceremony was the Indian manner of conferring honor upon their friends.

& all want to be Orators, I am not as yet dignified by any Medal, Gorgett, or Commission, yet I will Speak for you & myself a few words.

I will now address myself to you the Superintendant, who I look upon to be the father of all Red Men, I have great Confidence in you & what I am to Say is in Behalf of my whole Nation.

To whom can I recommend my people but to the Governor & you, whom the Great King has sent to make us happy? Should Death soon overtake me, I shall have the Satisfaction of thinking that I leave my Nation my Women & Children in your Care. The old Fire which formerly warmed & cherished the People of this Nation, is now extinct; You have Lighted a New one, which does now & I hope will allways continue to burn Clear, that my Nation may never become Cold.

My Nation as well as other Red Men are ignorant & can make Nothing, why then should they not Listen to the Talks, which you bring, to whom they are indebted for every Necessary.

You come here to give us Peace, to remove our Jealousies, to Quiet our fears, & Supply our wants, I look round this Vast Country & can See none but friends. It must be our own faults if from this day we do not Live in perpetual peace, the Words are free from any Enemy but Snakes or wild Beasts.

Be not Surprised that I who am a poor Indian, Begg for myself & my Nation, We are very numerous & very Poor, I hope you will not Send us home Empty.

I hope now that the Governor and you are here you will put us upon the same footing with the Creek Nation & order your Traders to furnish us with the same Goods, at the rate they are Supplyed.

I have heard what has been said concerning the Lands & I agree to the Cession that was made, I think my white Brethren cannot be too near me.

There were formerly great Discord & Enemity Subsisting between the Chickasaw & Chactaw Nations, which I hope are now all removed & that friendship & peace will be established in their Room.

Before I Conclude I must recommend to your Protection twelve of my Warriours who were allways faithfull to the

English & never deserted their Cause & I expect that they will have no reason to repent their having Listned to my Council. Presents the Warriours to the Governor & Superintendant.

Mingo Huma of Immongoulasha.

Last Year When the french Governor took his Leave of us he advised me to give my hand to the English Commandant, which I did. I have waited with Impatience for the Sight of my New father, I now have the pleasure of Seeing the Governor and Superintendant who came over the great Waters they have Surprisingly arrived Safe in peices of Wood joined together. At which we rejoice.

The Medal which I wear was given me by the French Governor, as a Token of Power & Authority to Govern my People, but he who gave me my Medal has gone away & left me destitute; I am Sensible it is impossible for a Child to have two fathers; I now acknowledge you to be my father, in token of which I deliver you my Commission & Medal, I hope you will replace them with others as good and honorable. When the French Governor went away he left me without a Gun, I hope that the Great King who has Sent you here has enabled you to Supply our wants, & that English Powder & Guns, will be plenty in our Nation as those of the french were, That our Women & Children may be Cloathed by them.

I once imagined that the English were at Such a Distance, that it was impossible they could transport their Goods here, but I am now Convinced of my Error, for I See plenty.

Mingo Houma having delivered his Medal & Commission, at the time he was Speaking, his Example was followed by all the other Warriors.

After Several other of the Chactaw Warriors had Spoke, to the Same purpose Paya Mattaha Great Leader of the Chickasaw Nation arose & Spoke as follows—

My Heart & the Superintendants are as one, it is well Known I never deserted the Brittish Interest and I never will. Tho' I am a Red Man my Heart is white from my Connections with & the Benefits I have received from the white People, I allmost look upon myself as one of them.

I cannot have much to Say to my white Brethren; My

Inclination & Sentiments are well known to them, I never Shut my Ears to their Talks, I have allways followed their Directions.

My Mind has allways been unchanged I can therefore have Little to Say to you the Governor and Superintendant, But I will Speak to my Younger Brethren the Chactaws & you will hear me.

The Talks which you delivered me from the Great King are Good & such as I expected, I am now going to Speak, you will Consider that I am a warrior & not accustomed to make Long Speeches, You will therefore not expect a fine Speech from me.

Addressing himself to the Chactaws—

My Younger Brothers

I now Speak to you & desire you will Listen with Attention to the Talks of the Governor and Superintendant. I have allways done So, & the English have allways Supported me in my Distress & never deserted or Deceived me.

The Talks we have heard at this meeting have determined me to Speak to you in a friendly manner I shall not therefore call to mind old affairs. Let what is past be buried in Oblivion, & Let us only now think of what is to Come, Some of you were allways my Friends & Supported the Interest of the English in your Nation, The Red Captain & Chulustamastabe were of the Same Sentiments with me, they went to Visit the English & the Treatment they received confirmed their Attachment to me, for it was by my advice that they undertook the Journey at the Risque of their Lives yet they did not repent of having performed it.

While the French were in this Land Division and Discord reigned in your Country, you fought and killed each other; but now look round & See Peace and Plenty: You are all Children of one Family & have but one Father, who admonishes & orders you to Live in Unity & Love each other, Let us now return to our Village hand in hand rejoicing & carrying with us the Presents of our Elder Brothers.

The Talk which I hold in my hand is from the Great King of England, it was delivered me at Augusta by the Superintendant. The orders of the Great King I have allways Considered as the Rule of my Actions, & I will Continue so to do. The Papers which I hold in my hand Contain his Orders, transmitted me by the Superintendant which I Punctually obeyed, I again admonish you to pay the Greatest attention to what the Governor & Superintendant have recommended to you, I have Seen their Talks sent into the Creeks & other Nations which have allways tended to promote the Good of the Red People. I have no more to Say, but as I have delivered my Sentiments without Disguise, I desire a Note may be made of what I have Said.

Red Captain

I have Nothing to add to what has been already Said to my White Brethren, I shall therefore only talk to you my Countrymen the Chactaws.

The day which I have longed wished for is now come, The French are removed & the English are in the Land, what reason can now exist for Jealousy & Parties? are we not now joined together by our Father The Great King who has removed the Cause of Contention? Yet I am sorry to observe that in your Camps, you employ the hours in which you should repose yourselves, in muttering & Talking about things, which you are entirely ignorant off.

I long wished for, & foresaw this day it is now come & I rejoice in it. I allways Supported the English Cause in Conjunction with Paya Mattaha & Chulustamastabe, In which we Stood by ourselves when allmost the whole Nation had deserted us.

The Colours which I have were sent me by the English, In the times of Strife & Discord I was not afraid to carry them, I shall never throw them away. I hope all of you will be so wise as to keep in your Hearts the Words which have been Spoke by the Governor & Superintendant which will be the Sure means of rendering your Nation happy.

Then the Congress was adjourned to the next day.

Wednesday April 3d 1765.
Present
His Excellency the Governor
John Stuart Esqr Superintendant
Colonel Wederburne
Monsieur Montbereau Deputy Superintendant
Indian Chiefs & Interpreters as Usual

The Congress being opened Pouchama, arose desired to be heard & Spoke as follows—

Red Men & Warriors I desire you will Listen to what I am going to Say, As I have not Said anything since my arrival, I will now tell my Sentiments to the Governor & Superintendant.

When Children are poor they ought to tell their wants to their Father particularly when they know their Father will Supply them. My Heart is glad to hear the Talks of this day, and I will abide by them, the french fire is now put out, and the English one I hope will forever burn Clear, I am not afraid that I or my people will ever want When I have two such Generous Chiefs to Support me.

As to the Land which has been Ceded I put my hand to my Heart as a Token of my approbation, and am happy to share it with you, but I hope in return you will Consider the distressed Situation of our Wives & Children, that it may not be Said I saw the English Chiefs & get nothing from them. You must not be Surprised at my asking Rum, in return, for the Lands, Rum is a Liquor We are fond of, and that you have So I will beg for Rum & must have Some, it is English Drink. Upon hearing you wanted to See me I came at the Risque of my Life I will now return to my Village in Safety, because you have taken away all Danger, and Established Peace & plenty in Lieu of them. I advise you red Men, never to Let what you have the Governor and Superintendant Say be Blown away by the Wind. It is for your Own Good, and as Long as you adhere to their advice you cannot fail of being a Respectable Numerous and happy Nation. I will Say no more, but what I have Said is from my heart and I never will recede from it.

Addressing himself to the Governor and Superintendant, he Spoke as follows—

I have heard a great deal Said about God Allmighty, Heaven & Hell, & it has all entered my Heart, and I believed it to be very true, & I must again repeat to you that we have given you a great deal of fine Land & we expect to be paid for it, I do not repent of what is given, because we expect to reap the benefit of your being so near us—

Several other Chiefs spoke much to the same Purpose for which Reason their particular Speeches are not inserted.

Then the Congress was adjourned to the next day.

Thursday April 4th 1765.

Present

His Excellency the Governor, John Stuart Esquire Superintendant,
Colonel Wedderburn, Monsieur Montbereaut Deputy Superintendant,
Indian Chiefs and Interpreters as usual.

The Congress being opened as usual the Superintendant acquainted the Indians that the Governor and he had prepared a Treaty to be signed by both parties, & that he would now proceed to Read, & have the same explained to them; which was accordingly done as follows Vizt

At a Congress held at Mobille in the Province of West Florida, on the Twenty Sixth day of March, In the Year of Our Lord One thousand Seven hundred & Sixty five, by His Excellency George Johnstone Esqr Governor of West Florida, and the Honourable John Stuart Esquire Sole Agent & Superintendant of Indian Affairs in the Southern Department of North America.

A Treaty for the preservation and Continuance of a perfect peace and friendship between His most Sacred Majesty George the Third by the Grace of God of Great Brittain France & Ireland King, defender of the Faith, and so forth, And the Several Indian Chiefs Herein Named who are Authorised by the Chickasaw and Chactaw Nations in their own & their Behalfs.

Article 1st That a perfect & perpetual Peace & Sincere friendship Shall be Continued between His Majesty King George, the Third, and all his Subjects, and the Said Nations the Chickasaws & Chactaws, and the Said Nations of Indians hereby respectively engage to give the Utmost attention to preserve & maintain Peace & friendship between their people & the King of Great Brittain and his Subjects and Shall not Commit or Permit any kind of Hostility, injuries or damage whatsoever Against them from henceforward for any Cause or under any pretence Whatsoever & for Laying the Strongest and purest Foundations of a Perfect & perpetual peace & friendship His most Sacred Majesty has been Graciously pleased to Pardon & forgive all past Offences & injuries & Hereby declares there shall be a general Oblivion of all Crimes, Offences and injuries that may have been heretofore Committed or done by any of the Said Indians.

Article 2d The Subjects of the Great King George and the aforesaid Nations of Indians shall forever hereafter be looked upon as one People, and the Governor & Superintendant engage that they will encourage Persons to furnish & Supply the Said Nations of Indians aforesaid with all sorts of Goods usually carried amongst them, in the manner which they now are, and which will be Sufficient to answer all their wants.

3d The English Governor & Superintendant engage for themselves and Successors, as far as they can that they will allways give due attention to the Interest of the Indians and will be ready on all occasions, to do them full & ample Justice, and the said Indian Parties do expressly Promise & engage, for themselves Severally & for their Said Nations, Pursuant to the full right & Power which they have so to do, that they will in all Cases & upon all occasions do full & ample Justice to the English, and will use their Utmost endeavours, to prevent any of their People from giving any disturbance, or doing any damage to them in the Settlements or elsewhere as aforesaid either by Stealing their Horses, killing their Cattle, or otherwise, or by doing them any personal hurt or Injury, and that if any damage be done as aforesaid, Satisfaction Shall be made for the same to the Party injured; & that if any Indian or Indians, whatever, shall hereafter Murder or kill a white Man, the Offender or Offenders shall without any delay, Excuse or pretence whatever, be immediately Put to Death, in a Publick manner in the presence of at Least two of the English who may be in the Neighbourhood where the offence is Committed.

Article 4th And if any white Man Shall kill or Murder an Indian, Such white man shall be tried for the offence, in the Same manner, as if he had Murdered a white Man & if found Guilty shall be executed accordingly in the Presence of some of the Relations, of the Indian who may be Murdered, if they choose to be present.

5th And to Prevent all disputes on account of Encroachments or Supposed Encroachments Committed by the English Inhabitants, of this or any other of His Majesties Provinces, on the Lands or hunting Grounds reserved & Claimed by the Chickasaw & Chactaw Indians, and that no mistakes doubts or disputes may for the future Arise thereupon, in Consideration of the great marks of friendship, benevolence & Clemency extended to us the Said Chickasaw and Chactaw Indians, By His Majesty King George the third, We the Chiefs & Head Warriors distinguished by Great & Small Medals and Gorgetts & bearing His Majesties Commissions as Chiefs & Leaders of our respective Nations, by Virtue and in Pursuance of the full Right & Power which we now have, and are Possessed of, Have agreed and we do hereby Agree that for the future the Boundary be Settled by a Line Extended from Gross Point in the Island of Mount Lauis by the Course of the Western Coast of Mobille Bay to the Mouth of the Eastern Branch of Tombeckbe River, and North by the Course of Said River to the Confluence of Alibamont & Tombeckby Rivers, and afterwards along the Western Bank of Alibamont River to the Mouth of Chickianoce River and from the Confluence of Chickianoce and Alibamont Rivers, a Straight Line to the Confluence of Biance and Tombeckby Rivers, from thence by a Line along the Western Banks of Bance River 'till its Confluence with the Tallatekpe River, from thence by a Straight Line to Tombeckby River opposite to Atchalickpe, and from the Atchalickpe by a Straight Line to the most Northerly part of Buckatanne River, and down the Cource of Buckatanne River to its Confluence with the River Pascagoula and down by the Course of the River Pascagoula within twelve

Leagues of the Sea Coast, and thence by a due West Line as far as the Chactaw Nation have a right to Grant.

And the said Chiefs for themselves and their Nations give and Confirm the property of all the lands contained between the above described Lines and the Sea to His Majesty the King of Great Brittain and his Successors, reserving to themselves full right & property in all the Lands to the Northward of Said Lines now possessed by them, and none of His Majesties White Subjects shall be Permitted to Settle on Tombeckby River to the Northward of the Rivulet called Centibouck.

6 Whereas His Majesty has been Graciously pleased to order that Commissaries be sent to the different Nations of Indians for the administration of Justice between the Traders & Indians, The Chiefs of the Chickasaw & Chactaw Nations, Hereby engage for themselves & their respective to Support the Authority & Protect the Persons of the Said Commissaries, from any insult or disrespect, That they will be aiding & assisting to them in the execution of their Offices in apprehending any White Person of what Nation soever against whom the Commissary shall issue his warrant and for Conducting him or them to Such of the Neighboring Provinces as the Commissaries Shall direct, and they further engage for themselves and their respective Nations to abide by the decision of the Said Commissary in all disputes relating to property between the Indians & the Traders provided Nevertheless that one or more Medal Chiefs be present and approve of Such decision.

7th And as much as possible to prevent all disputes and Jealousies between the Traders and the Indians in the Said Chickasaw & Chactaw Nations, as well as to fix and Ascertain the Prices & Rates at which Goods are henceforward to be Sold in the Said Nations that the Indians may not be imposed upon, The Governor & Superintendant engage for themselves & Successors as far as they can, that the several Sorts of Goods mentioned in the annexed Schedule shall be furnished to the said Chickasaw & Chactaw Nations at the rates therein Specified, and the Chickasaw & Chactaw Chiefs agree & engage for themselves and their respective Nations that the rates at which the Several Sorts of Goods are hereafter to be bartered for half dressed Deer Skins in their Country Shall be as Specified & set for in the annexed Schedule.

In Testimony Whereof we the Underwritten have Signed this present Treaty & put to it the Seals of our Arms, The day & Year above written & the Several Kings and Chiefs of the Said Nations of Indians have also set their hands & Seals to the Same at the time and place aforesaid—

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Nashuba Mingo	LS	Paya Mattaha	LS	Geo: Johnstone
Mingo Houma	LS	The Red Captain	LS	Governor of W^t Florida LS
Toupa Houma	LS	Alibamon Mingo	LS	
Apou Paye	LS	Chulustamastabe	LS	John Stuart Superintendant S^n District LS
Tobouca of Yassoue	LS	Tomatly Mingo	LS	
Poushetha Houma	LS	Olacto Opaye	LS	
Oulacta Houma	LS	Poushu Houma	LS	
Illipatapo	LS	Taskahumastabe	LS	
Chucka Taha	LS	Mattaha Pouscoush	LS	By order of the Governor & Superintendant
Mingo Emita	LS	Mingo Pouscouch	LS	
Mingo Ouma	LS	Matah Pouscouch	LS	
Chokoulacta	LS	Olacta Houma	LS	Arthur Gordon Sect^y
Oulessa Mingo	LS	Checko Oulacta	LS	
Yassou Mattaha	LS	Fannimingo Bouktoukkoulou	LS	
Mingo Houma	LS			

Rates of Goods in the Chactaw & Chickasaw Nations—

2 yds Strouds	8 lb. Leather	Trading Scissars one pair	1 lb. Leather
1 Blanket	8 ditto	Knives (one)	1 do
1 ditto Shag end	6 ditto	Cutteau (one)	3 "
1 White Shirt	3 ditto	Trading Razors (one)	2 "
1 Check do	4 do	Vermillion one Ounce	1 "
Fringed Housings	10 "	Brass Wire 3 Spans	1 "
Laced ditto	6 "	Brass Kettles	no fixed price
Gartering one piece	4 "	Tin ditto	Ditto

Dutch Pretties one ps	2	"	Trading Guns	16	Leather
Quality Binding 3yds	1	"	Gun flints	1	ditto
Silk ferret 2 ditto	1	"	Hawks Bells	1	"
Indian Callico 1 ditto	4	"	Gun Powder	1	"
Romall handkfs 1 do	2	"	Bullets	1	"
Saddles according to Quality		"	Ear Bobs	2	"
Snaffle Bridles one	4	"	Silk Bengals Large	4	"
5 Strands Barley Corn Beads	1	"	ditto Small	3	"
20 Strands Common do	1	"	12 Pea Buttons	1	"

The Treaty having been Read & explained was Signed by the Contracting Parties; after which the Superintendant acquainted them that he had prepared Medals and Commissions for Such as were pitched upon to govern their Nation, and that he would immediately proceed to vest them with these Ensigns of Power and Authority.

He then called out and arranged the Chiefs for whom the Great Medals were prepared in the following Order—

Paya Mattaha Chickasaw Chief
Alibamo Mingo
Captain Houma
Shulustamastabe
Tomatly Mingo
Nashuba Mingo

The Superintendant then delivered Six Great Medals into the hands of the Governor who hung them about the Necks of the Chiefs & at the same time, they received their Commissions from the Superintendant which Ceremony was accompanyed by a discharge of Seven Cannons from the Fort & the Fifes & Drums of the 22d & 34th Regiments playing in the room.

The Superintendant then gave a Charge to the Chiefs, explaining the Nature & Duties of their Office, & afterwards presented them to the Indians standing round, as their Chiefs requiring Strict Obedience & Respect to them as their Superiors.

The same Ceremony was observed in Installing the following Small Medal Chiefs under a Discharge of five Guns from the fort.

Vizt
Appopaye
Mingo Ouma
Toupa Houma
Oulactopaye
Poucha Houma

This Ceremony being ended His Excellency the Governor, acquainted the Indians that the affairs of Government called him immediately to Pensacola & therefore took that Publick opportunity of taking his leave of them, and that the Superintendant would remain to conduct what Still remained to be done.

And then the Congress Closed.

A True Copy of the Proceedings at the Congress at Mobile with the Chickasaws and Chactaws.

Arthur Gordon
Secretary

Endorsed Chactaw Congress.—In Govr Johnstone &—Mr Stuart's joint Lettr—of the 12th June 1765.

From Governor Johnstone to Lord Halifax.

Duplicate

Mobile 19th February 1765.

My Lord

In Consequence of your Letters recommending Monsieur Pictet & Caminada, and communicating the Intelligence from His Majesty's Elector Minister at Geneva I dispatched a Messenger, to New Orleans.

I had, before, sent a Gentleman, Mr Macllelan with that view, but, I desired him, thereafter, to apply, particularly to the Associates Your Lordship recommended.

He succeeded so far, as to induce Mr Caminada, to come over, & take the Oaths of Allegience to His Majesty.

I immediately appointed him one of His Majesty's Council, for this Province.

He is esteemed the leading Character of Louisiana, & the Protestants, to a man, regard him as their Father. He has convinced me, that half the Inhabitants of the other Side will come over, If there was any Establishment on the Mississippi, to protect them, But, that none will leave those fertile Plains, to come to inhabit a less Grateful Soil.

This, with several other Considerations, determined me, to establish a Post at Point Iberville. As I have set forth, more fully, in my Letters to The Board of Trade.

Being absent, at this Place, on a Congress with the Chactaws & Chicasaws, who are hourly expected, and the Packet being to sail in six days from the Time of her Arrival, at Pensacola, I have neither, the Materials, or, the Time, to transmit a Duplicate to your Lordship, by this Opportunity being uncertain whether this may reach her.

I am with the most perfect Respect
My Lord
Your Lordship's Most Obedt Servant
Geo. Johnstone.

Earl of Halifax.
Endorsed Mobile, Wt Florida, 19th Febry—1765—Govr Johnstone.—Duplicate—℞ 26th July—(Original not received.)

From George Johnstone to Lord Halifax.

Pensacola 11th June 1765.

My Lord,

In considering the many Objects of the Government of this Province which I could wish to communicate a perfect Idea of to Your Lordship, I find myself totally unable to execute that Task to my own Satisfaction upon Paper; and therefore, I have chosen a Gentleman, who has had a very principal Part in the settling this Government and who has a Genius capable of judging of those matters, to go to England, and represent them to Your Lordship, as well as to satisfy You upon such other Circumstances relative to this Country, which You may be desirous of knowing.

The Person I mean is Mr Macpherson, Secretary of the Province, who, now that the Wheels of Office are set in Motion, can be the more easily spared from his Duty, and as the Expence of his Voyage is to be defrayed without any Expence to Government, I am hopeful the Measure will be approved.

The first Object in every Community is the internal Police of the Country. This must depend on the proper Offices for the Administration of Government, proper Officers to fill those Employments, and sufficient Authority to inforce the Regulations which may be established. The past is more particularly necessary in establishing an European Colony, which is generally made up of the overflowing Scum of all the other Societies, who can only be held together by coercive Means. How far these necessary supports have been given to West Florida, Mr Macpherson will explain to Your Lordship.

The next Object is, Security from External Enemies. The Situation in which we stood in this Respect, The Means which have been pursued for our Security; The necessary step to be taken in order to insure it; he will likewise enlarge upon.

The third Object is, the commercial Interests of the Society, Internal and External. How much this Country is calculated to promote the one and the other, for the Interest of Great Britain, and what are the Causes which have prevented her from reaping any Benefit from them, I have likewise desired he will explain, as well as the measures which would be most conducive to carry both to the highest Advantage.

Tho' I make no doubt that Sir William Burnaby, Commander in Chief of His Majesty's Ships on this Station, has made more perfect Representations of the advantageous Situation which this Bay in particular affords, for Naval Arsenals and Careening Places; Yet, I have desired Mr Macpherson to say some few Things on that Head.

The engaging the Inhabitants of New Orleans to emigrate to this Colony, is also a very principal Consideration; but the total Want of money, either for negotiating, or supporting them during their Passage, and for two months till they can establish themselves, and also, the Want of any Power in the Governor and Council, to permit the Importation of such Commodities as they may bring with them, has been a great Cause why more of them have not come here.

The Expence of this Colony has been calculated upon the same Footing as that of St Augustine, where, I am informed several houses stand empty for want of Men to inhabit them: Whereas, this of Pensacola was never more than an Assemblage of miserable Bark Huts, without any Place for Public Officer, Office, Church, Market, Jail, or Justice.

There is not a Man, who has come to the Colony, who has brought any Fund for erecting the necessary Coverings for himself; and in such a Situation, without some Public Money is allowed; I cannot conceive how we shall ever get on.—What is much wanted, is, some Public Hospital; An Account of the Spectacles which I have seen would shock Men of less Humanity than Your Lordship is acknowledged to possess.

Another Consideration must be made, of the Dearness of all things in this Part of the World, being almost triple of that of any other of His Majesty's Colonies on the Continent of America; which must be taken into the Calculation of any Money that may be allotted for those Public Purposes.

From the just and necessary Oeconomy which prevails after so expensive a War, I am fearful, these Recommendations of Expence will rather prejudice the Colony in the Eyes of Administration, as not being worthy of so great a Charge; but, when Your Lordship considers to what an extent its Commerce may be carried, what various Productions may in Time be expected from it; The Excellence of its Ports; and its Situation as a Frontier, upon whose Prosperity the Peace and Security of our other Possessions in America entirely depend; I am hopeful, You will rather think it would be laying out our Money to the best Interest.

With respect to myself, I can assure Your Lordship, with Acts of Charity alone, to worthy Men willing to do their best but without the Necessary Means to begin, I have already expended more than my Salary; Which I do not mention to induce any Increase on that Article but merely to procure some means for their Assistance when such Objects present themselves.

I am, with the greatest Respect
My Lord
Your Lordship's
Most obedient, and
Most humble Servant
Geo: Johnstone.

The Right Honorable
The Earl of Halifax
&ca &ca &ca

Endorsed Pensacola, West Florida—11th June 1765.—Govr Johnstone.—℞—5th Septr—by Mr McPherson. Govr Johnstone—Pensacola 11 June 1765—By Mr McPherson Rd 5th Sep:

From H. S. Conway to Governor Johnstone.

Governor Johnstone St James's Sept^{r} 12 th1765.
Sir,

I have just received from M^{r} McPherson, yours of the 11th June, & another of the 12th from you & M^{r} Stuart, as also the Treaties that you had, by your joint Labours, concluded with the Creeks & Chactaws.

By this time probably the change of your neighbours has come in aid of your own endeavours to engage the French to pass to our side of the Mississipi.

It is however so very lately I received your last Letters, that it has been impossible for the King's Servants to have taken into Consideration either the Points of your Letter, or of that which you & M^{r} Stuart have jointly written upon the Indian affairs.

If the Treaties just concluded have not fully attained every object, which may be convenient or usefull to our Colonies, your prudent attention, will, I hope, in the end effectuate every thing, which may be of consequence to the Colony intrusted to your Care. The total removal of the French, The Sufferings which the Indians themselves have lately felt, The unrivalled greatness of the British Strength throughout the Continent of America, are all Circumstances, which will naturally tend to ease your Trouble & facilitate your success in every Intercourse with that People.

I make no doubt of your continuing to communicate every necessary Information it may be in your Power to give, & being as full & explicit in your Correspondence with me for the King's Information, as the Importance of the Colony you govern, to his Majesty's American Dominion, requires.

I have already seen M^{r} McPherson, & shall not fail to converse farther with him, as opportunity offers, on the affairs of West Florida.

I am &c^{a}
H. S. Conway.

Endorsed Sept^{r} 12th 1765—To Gov^{r} Johnstone

From Grey Cooper to William Burke.

Sir,

The Lords Commrs of his Majesty's Treasury having read a Letter from Mr Pownall Secretary to the Board of Trade with Extracts of Letters from George Johnstone Esqr Governor of West Florida and other Papers relative to the Erection of a Fort or Blockhouse at Point Iberville and an Estimate of the Expence of such work and stating the Importance of this Post in order to preserve the Navigation of the River Iberville, and thereby to Command the whole trade of the River Mississippi and some proposals for encouraging Foreigners to settle in West Florida, I am directed by their Lordships to transmit these Papers to you to be laid before Mr Secretary Conway in order that he may take his Majesty's pleasure upon this Proposal of erecting the Fort and establishing the Post at Port Iberville and upon the Estimate of the Expence attending it.

I am Sir
Your most humble Servant,
Grey Cooper.

Treasury Chambers
21st October 1765.
Wm Burke Esqr

Endorsed Treasury Chambers 21st Octr—1765—Mr Cooper, Secry—℞ 22d W. B.

Estimate for the Post.

Copy—

Estimate for the Post to be erected at the Point of the River Iberville.

	Dollars.
38,000 Bricks......@ 8 Dollars ꝑm................	304
200 Barrels of Lime at 1 Dollar ꝑ Barrel..............	200.-
100 Days of a Bricklayer at 2 Dollars ꝑ day..........	200.-
300 Days of a Labourer at 2 Bitts ꝑ day..............	60
For Floors, Center Doors and Windows of Magazine.....	30
For Iron Work to ditto..............................	10
410 Boards for Soldiers Barracks at 4 Bitts each........	160
42 Sqr Supl Toises of Shingling at 5 Dollars ꝑ Te......	210

Rafters, Flooring, and Frame of Barrack	250
310 Boards for Officers Barracks at 4 Bitts each	124
20 Square Supl Toises of Shingling at 5 Dollars each	100
Frame, &c	180
Boards for the Storehouses, &c	300
Shingling	110
Frame &c	200
Cooking Places and Necessaries	120
300 Days of a Carpenter at 2 Dollars ⅌ day	600
Nails, Locks, Hinges, &c	106. 7
1500 Stockades	750
Carried Over	4014. 7
	Dollars
Brought forward	4014. 7
200 Small Stockades for Banquetes &c	60
30 Sleepers for Platforms	45
Labourers	500
	4619. 7
For conveying the Materials	1000
Total Dollars	5619. 7

Signed Elias Durnford
and
Archd Robertson
a Copy, Geo. Johnstone.

Endorsed Copy—Estimate for the Post—to be erected at the—Point of the River—Iberville.—In Mr Cooper's, of the 21st Octr—1765.

Minutes of Meeting at Mobile.

Copy Mobile 7th Jany 1765.

Minutes of a Meeting between His Excellency Governor Johnstone,

Major Farmar 34th Regimt
Major Loftus 22d Regimt
Captain Campbell 34th Regimt
Mr Robertson, Engineer.

It was proposed, first to consider the propriety of Establishing a respectable Post on Point Iberville.[1] Major Loftus and Captain Campbell who had been on the Ground, were of Opinion, It was very Practicable, and taking into our Consideration as well the State of the Province of West Florida, as the Passage of His Majesty's Troops to the Illinois, the whole were of Opinion, the Measure was extreamly proper, and the Opportunity not to be lost at this Time.

The Governor then laid before the Meeting, a Letter he received, in Answer from S^r^ John Lindsay, Commodore of His Majesty's Squadron on this Coast, promising his ready Assistance in so essential a Service; and that he had ordered His Majesty's Sloop Nautilus to get ready for that Service.

It was, secondly, proposed to consider, What kind of Post it would be proper to establish; and what Materials and Stores it would be necessary, in Consequence, to send by the Ship of War.

It was agreed for the present, that the least expensive Defence should be erected, which the Meeting consider'd to be a Blockhouse with a small Stockaded Fort fit to receive Stores and Provisions, and to contain two hundred Men on an Emergency, and lodging comfortably a Captain and fifty Men, and a Detachment of Artillery, mounting six pieces of Cannon, with the necessary Appurtenances, which should be sent in the Frigate with those Materials which the Engineer shall judge necessary for the Service.[2]

But as this seems to be a Post of the utmost Consequence lying Contiguous to New Orleans, which of Consequence must fall in Case of any Rupture, unless on a respectable Footing, it was agreed, That it should be recommended to His Majesty's Ministers and General Gage, that it would be necessary to establish it upon a much larger Plan, and more respectable Footing; And also that it would be proper to have two decked Boats belonging to the Post, and also to erect a Post near Lake Maurepas in order to preserve the Communication: That the Officer and his Party who may be sent to reinforce Captain Campbell, should be convey'd, together with the Provisions, by the Ship of War, and also the Camp Equipage of the whole Regiment, and such other Stores as Major Farmar shall judge proper to send, and that an Application should be made to Sir John Lindsay for this Purpose.

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[1] Where the Iberville river joins the Mississippi.

[2] This post was established and called Fort Bute. It became a strong military and trading point. From Fort Bute a large trade with the Indians was carried on.

Signed by the Persons above mention'd.

A Copy Geo. Johnstone.

Endorsed Copy — Minutes of a Meeting — between Govr, Johnstone,—Major Farmar, Major —Loftus, Capt Campbell & Engineer Robertson—7 January 1765.—In Mr Cooper's of the 21st Octr—1765.

From Governor Johnstone to Sir John Lindsay.

Copy Mobile 10th Decem: 1764.

Sir,

I am sure it will give you an equal Pleasure with every Man in this Province, to hear that the Passage by the Iberville to the Mississippi is now so opened and cleared by Captain Campbell, that it may be depended on as a Fact; that Vessels of six feet Water may pass from Lake Ponchartrain thro' this Channel as soon as the Mississippi rises.

This Circumstance begins about the middle of January; the Waters are at their height about the middle of June, and at the lowest in September; this year the Fall was so great, that the Water fell 26 Feet in three Days, in the Month of September.

The opening the Iberville is regarded by all as one of the luckiest Events, which could have happened to this Colony; but to render the Effect entirely certain, it is judged necessary to take Post at Point Iberville with six Cannon, two Officers, and forty Men.[1]

The Advantages, which will attend the occupying this Post, besides the keeping so material a Passage open and protecting the Navigation in this Passage, will be the securing our Possessions on the North of that Channel, and rendering New Orleans dependant on us for all things, instead of our being dependant on New Orleans.

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[1] The deepening of a passage to the Mississippi from the Gulf through Lakes Maurepas and Pontchartrain and the Iberville is an undertakang of great importance today.

M^r^ Pitman, the acting Engineer here, a very ingenious young Man, has view'd the Ground, and thinks it absolutely necessary: But what would facilitate this Project, and render the success infallible, would be the sending a Sloop of War off the Point at Iberville, which might convey the Stores as well as the Men.—Frigates have passed there, so that as to the Navigation there can be no Difficulty.

May I presume, on this Occasion, to beg you will take so material a Subject under your Consideration; and if you are of the same Opinion with me, and that you have any Vessel under your Command fit for this Purpose, that you will be pleased to appoint her for that Service; if you have no such Vessel, I think His Majesty's Schooner, the Patty, might be easily fitted up with your Assistance for that Purpose with four Carriage and twelve Swivle Guns, and two light grating Tops to take off and fix on, and to be capable of being Barrackaded, and of containing two Men in each: this Schooner to be commanded by your Lieutenant, and under your Orders.

When I have the Honour of receiving your Answer, I shall immediately take those Steps which your Opinion shall dictate.

That you may be the better able to judge of this Subject, I now send you a Sketch of the River and Country around that Place, least you should not have any on board, extending so far in Land.–Besides the Advantages above recited, in sending a Ship to Point Iberville, we shall reap this farther Advantage of Commanding that Respect to His Majesty's Colours in those Parts, which neither the French or Indians have been inclin'd as yet to give.

M^r^ Pitman likewise gives me leave to assure you, that whatever Vessel you are pleased to send may be supplied with every Species of fresh Provisions.

I am with a perfect Respect and Esteem,
Sir,
Your most obedient and
most humble Servant,
(signed) Geo: Johnstone.

Sir John Lindsay.
Endorsed Copy—Letter from Gov^{r}—Johnstone to S^{r} John—Lindsay, Commodore—of His Majesty's Squadron,—dated Dec^{r} 10 1764.—In M^{r} Cooper's of the 21st Oct^{r}—1765.

From Sir John Lindsay to Governor Johnstone.

Copy— Tartar Penzacola Harbour 2^{d} January 1765.

Sir,

I had the Honour of receiving Your Excellency's Letter, the 20th of last Month, but defered Answering it till my Arrival here, as it was Necessary I should first enquire into the State of the Squadron.

I Congratulate your Excellency on the Passage of the Iberville being cleared; The Indian Traders will soon reap the Advantage of that Short Communication with the Mississippi.

I, entirely Agree with you, that the taking post at Point Iberville will be Attended with all the Advantages you Mention; and I shall very readily Cooperate with You, in carrying that Service into Execution. I think a Sloop of War will not only Protect the Troops, while they are Establishing a post at Point Iberville, but may likewise Strike an Awe in the Indian Nations Upon the Banks of the Mississippi, which May have the Good Effect of facilitating the Passage of our Troops Up the River to the Illinois.–

The Nautilus, being the smallest frigate in the Squadron, I have therefore given Captain Locker orders to Get her ready for that Service; but as She Draws Thirteen feet Water, I am in some Doubt, if She will be able to go Over the Bar at the Balize. I have been inform'd, that, tho' there is only Twelve feet upon the Bar, that it is Soft, and Oozy; that Ships of a much greater Draught of Water have forced their way Over; but as I can't Depend upon my Intelligence, I beg the favour you will enquire at Mobile, if a Ship, of the Nautilus Draught of Water, can pass it.

If it proves, that the Nautilus is not fit for this Service, I will, with great Pleasure, concur in the proposal you make, of fitting up His Majesty's Schooner Patty, which shall be done in the Manner you desire.

I am with Great Respect
Your Excellency's most obedient
and very humble Servant,
(Signed) John Lindsay.

To His Excellency Gov^r Johnstone.

Endorsed Copy of a Letter from Sir—John Lindsay to Governor —Johnstone, dated 2^d Jan^y —1765.—In M^r Cooper's, of the 21^st Oct^r—1765.

From Captain Campbell to Governor Johnstone.

Copy— Mobile 12 Decem^r 1764.

Sir,

Permit me to inform Your Excellency of my small Transactions, while employed at New Orleans on the Service of this Colony, which I think it my Duty to do.

Colonel Robinson, on our first taking Possession of the Province, appointed me for the Command of Fort Natches, and to proceed in Company with Major Loftus and 22^d Regiment to examine the State of that Fort, and to clear the Iberville with my Party, if Practicable, little supposing to meet at that Time with any Opposition from French or Indians. But that attempt miscarried.

Having at that time examined that Part of the Iberville next to the Mississippi, as far as the opportunity I had could allow, and by what I could learn from the French, Assured me of the Possibility of opening a Communication with the Lakes Maurepas and Pontchartrain, and finding the little advantage the Mississippi would be of to Our Nation without forcing this Passage, I took every occasion to offer myself for this Service, and was ordered to New Orleans by Major Farmar for that purpose, where I met with general opposition notwithstanding the Governor seemed to favor me.

At that Juncture an Order arrived from the Court of France to publish the Colonies being ceded to the Crown of Spain, which threw them in the greatest Confusion. I judged this a proper Season to favor my Plan, and contracted with M^r Depart to supply me with a number of Negroes, and have so far succeeded, that by the 10th of January the Navigation from the Mississippi to Mobile will be opened for vessels not drawing over eight or nine Feet Water, at Point Iberville the River is narrow, and a Fort there command^g the River, and be a proper Key to the Mississippi, and keep the Indians in awe & respect.

I hope that I may assure your Excellency of my having equal success in making Peace with the several Indian Nations bordering upon the Mississippi and near the Iberville, and likewise the Toniacs, who inhabit the East side of the River, opposite Point Coupee, who have promised me to bring in the Arkansas, and settle on our side, in order to gain the Confidence of the Toniacs, who are the leading Nation there, I demanded permission to build a Hutt in their Village to lodge in, when passing up or down the River, which they granted. I discovered some of the Inhabitants of Point Coupee using their Influence with the Indians and persuading them from entering into Friendship with us, which obliged me to give those People this Warning: That I was well acquainted with how much they were instrumental in encouraging the Savages to attack Major Loftus's Convoy; and as our Troops were now preparing to make a second attempt, should they meet with any Obstruction from those Tribes, the Settlement of Point Coupee should fall the first Victim to Our Resentment; and wrote to M^r D'Abbadie to advise those wrong-headed People from medling in Our affairs.

The ancient Inhabitants on that Settlement, who are much the better Sort of People, are of a contrary Opinion, well knowing the advantages that must accrue from our having a Settlement near them. Some of them have made Improvements on our Side, and observed to me, that, since I had taken Possession at Iberville, they could not any longer expect to be indulged with any advantages from Our Side. I told them so far from discouraging their Improvements on our Side, that I could take it upon me to assure them, they might continue to clear and cultivate there as formerly, as I did not doubt how soon they found the advantages our Just and Mild Government was blessed with, but the greater Part from their Side would remove to Ours.

I prevailed with several French Inhabitants on Lake Pontchartrain to remain, and finding it inconvenient for some of them to come here to qualify before the time appointed, on account of Sickness and collecting their Harvest, gave them leave to stay till I gave them further notice.

Several German Families and French have applied to me for Possession at Iberville, and what Encouragement they might expect; and if the Spaniards govern at New Orleans, in a short Time, that will become a flourishing Settlement. Numbers of the Inhabitants in and about Orleans, who at present are afraid of letting their Inclinations be known, will become British Subjects; and by treating them with Politeness and indulging them in little Liberties, will gain them entirely to our Interest. I shall always be happy, when in my Power to give proof, how much I have the Good of my Country at heart, and shall ever find me Chearfull in exerting my feeble Capacity for the good of this Province, so far as my poor Rank can engage me in, and believe me with the greatest Respect to be

Your Excellency's
most obed^{t} Humble Serv^{t}
(Signed) Ja. Campbell, Cap^{t}
Lieu^{t} 34th Regiment

His Excellency—Gove^{r} Johnstone
a Copy
Geo. Johnstone.

Endorsed Copy—Letter from Capt^{n}—Campbell to Gove^{r}—Johnstone—dated Mobile, the—12th December 1764.—In M^{r} Cooper's, of the 21st Oct^{r} 1765.

From Lieut. Maclellan to the Governor.

Copy—

Extract of a Letter from Lieu^{t} Maclellan,
who was sent to New Orleans on the Public
Service, dated 10th December 1764.

In Consequence of that part of your Excellency's Instructions, recommending my earnest Attention to induce the Inhabitants of this Colony to emigrate to His Majesty's Dominions, I have accordingly given the greatest Application to that Point. I find most of the Inhabitants of this Town, all the Germans who are settled on the West of the Mississippi, at a Place they call les Allemands, and likewise some of the Inhabitants of Point Coupee willing to come over to His Majesty's Government. But there are three Obstacles; The first, is, the Sterility of the Land towards Pensacola and Mobile, so that I am conscious not a Man or Woman will leave the fertile Banks of the Mississippi to settle there, but they often talk, if we could give them Protection, of settling on the opposite Side, which is the richest Land in the World.

The second Obstacle is the removing their Effects. If they sell their Estates here, they can only get Paper. This is of no Value with you; so that, unless they could transport Merchandize on a short Voyage, few would be enabled to stir.

The third respects the Roman Catholics, who are exceeding tender on the Point of Religion, and their Determinations will entirely depend on Indulgencies you may grant to the Inhabitants of Mobile.

Copy

Geo. Johnstone.

His Excellency
Gov^r Johnstone
Endorsed Copy—Extract of a Letter—from Lieut: Maclellan—who was sent to New Orleans on the public—Service, to Gov^r Johnstone—dated 10th Decem^r 1764.—In M^r Cooper's of the 21st Oct^r—1765.
[Here is Duplicate Copy of the E. of Halifax's letter to Gov. Johnstone of 8 September 1764. already copied]
Endorsed Copy of a Letter from—the Earl of Halifax to—Governor Johnstone—dated September 8th 1764.—In M^r Cooper's, of the 21st Oct^r—1765.

From John Pownall.

Whitehall October 3d 1765

Sir,

I am directed by the Lords Commissioners for Trade and

Plantations to send you, for the Information of the Lords Commissioners of the Treasury, the inclosed Extracts of Letters to me from the Governor of West Florida, and Copies of Papers therein referred to, relative to a Fort or block House upon the River Iberville within the Limits of that Province, which the said Governor has, with the Advice of his Council and of the principal Officers of His Majesty's Ships and Forces stationed there, thought it expedient to erect and establish; and for the Expence of which, amounting to one thousand Pounds, he has drawn Bills upon the Lords Commissioners of His Majesty's Treasury.

The Utility and Importance of this Establishment do so fully appear in the Governor's Letters, and in the Papers to which they refer; and the Grounds and Motives, which induced the Governor to undertake the same, seem to my Lords Commissioners of Trade so just and reasonable that they think it their Duty not only to recommend the Payment of what Expence has been already incurred; but also that Provision should be made in some future Estimate to be laid before Parliment for the Completion of this useful Establishment upon a larger and more extended Plan, as recommended by the Governor

I am with great Regard,
Sir,
Your most obedient, and
most humble Servant,
John Pownall.

Charles Lowndes Esq^{r} Secry to the Lords of the Treasury.

Endorsed 3^{d} Octo^{r} 1765—M^{r} Pownall with Extracts—of letters from George—Johnstone Gov^{r} of West—Florida & other papers—relative to a Fort or Block—house erected by the Gov^{r} on—the River Iberville. Bills—are drawn by the Gov^{r} to the—amount of £1000 for this service—Read Oct. 15. 1765.—This is the same draft for—which a minute of payment was made 30th—of July 1765, upon advice given—thereof by Governor Johnstone.—Lords Trade—A 2—In M^{r} Cooper's of the 21st Oct^{r}—1765.

From Governor Johnstone to John Pownall.

Extracts of a Letter from George Johnstone Esq^r^ Governor of West Florida to John Pownall Esquire, Secretary to the Lords Commissioners for Trade and Plantations, dated the 19th of February 1765.

There is another Fortification, or Post, which we are about to Establish at Point Iberville. Major Farmar had employed an Officer, Captain Campbell, with fifty Negroes, for six months past in opening the Channel of that River with the Mississippi, his Labors have been great, and his Success in Proportion. The large Sum, which has been expended in that work, would be lost, in case, some Post was not established in Consequence. The fluctuating State of affairs at New Orleans gives us an opportunity to improve this advantage. But what above all renders it necessary, is the Eager desire, which the Germans and Swiss, and also the French have to settle in those Rich Tracts of Land, to which they can easily move their Effects: more than four Hundred Families, with all their Slaves and Stock, have already engaged to come over and live with us, If we can give them Protection. The facilitating the Passage of our Troops to the Illinois is likewise another Object; for matters have been so long delayed, and so strangely managed, respecting that Expedition, that it will be impossible to get higher than the Natches at furthest this Year; and in case they don't reach Natches, there is no place to retreat to, and then all the Expence will be thrown away, and they must come back here and begin anew, which Experiment, in last Year's operation only has cost the Government, at least, Three Thousand Pounds. It was a great Fault in Major Loftus, not to have established himself at Point Iberville, last year, in his precipitate Retreat. The Thing was proposed by Captain Campbell, and agreed to by Major Loftus and the Troops were actually landed. But why he did not continue in the Resolution is as little to be accounted for, as any other part of his Conduct. The sincere Friendship I had cultivated with M^r^ D'Abbadie and the chearfull Assistance he promised to this Work, was also another Reason for not delaying the Operation 'till I could report Home in which Case the Spaniards will undoubtedly be arrived, and then we may expect every Obstruction.

M^{r} D'Abbadie is since dead, in whom I have lost a worthy Neighbor, and the English a sincere Friend, as far as was compatible with the Interest of his own Country. From the moment the intended Cession of New Orleans to the Spaniards was publicly notified, he has given me every Information and Assistance in his Power. Monsieur Aubrey, by whom he is succeeded, has likewise favored me with his Friendship; he is a Man of real Worth, and of generous extended Sentiments. I enclose to their Lordships a Letter I have just received from him, which will best shew this disposition towards us.

I am conscious how much I risk for the good of the Publick in establishing this Post, at Point Iberville: But as I have acted with the utmost Precaution in taking the Opinion, in writing, of every Man of any Power in the Province, Friend or Foe, who are all unanimous, that it was a measure essentially necessary, and the opportunity not to be lost; and as I am conscious their Lordships will approve of my Conduct, when I can transmit the original Papers, proving the great advantage which the Trade of Great Britain will derive from it, and that the opening of the Iberville never can be effected, or of any Consequence without it, I am hopefull their Lordships will recommend the Payment of the Bills, which I have been obliged to draw, on so extraordinary a Case, on the Lords Commissioners of the Treasury, being one thousand Pounds in different hundred Pound Bills at sixty days Sight, to be negotiated at New Orleans by the Engineer, as will be seen by my Orders to him; and when it is considered, that the principal Expence arises in building of Lodgements for the Troops, which must be done here, if not done at Point Iberville, I think it will more readily induce the Payment. However in Case my best Endeavours should not meet the Approbation I wish, and that, Notwithstanding every Argument, the Bills should be rejected, As the Credit of the Nation, as well as my own Credit, is concerned, I am willing they should be deducted from my Pay, till Time shall evince the good Effects of the Measure; for there is nothing, on which I would pawn my Reputation so soon.

The next Point would be the establishing the Post at Point Iberville, on a large extended Plan capable of containing a Regiment, at least;—There is no Place of so much Consequence to this Province as that Settlement, now the Iberville is opened, and which will command the whole Trade of the Mississippi, an Object of the highest Importance; since not less than seven hundred thousand Skins have been shipped from New Orleans, this year, in Consequence of the Session of Canada by which most of the Furs have come to Illinois, and so by the Mississippi. —Besides that this Province cannot subsist without such a Settlement to furnish Provisions & Bricks, unless we extend ourselves up those shallow Rivers, where Ships of Force cannot go, which may be productive of many Evils with the Indians.

Endorsed Extracts of a Letter—from Geo: Johnstone Esqr—Govr of West Florida—to John Pownall Esqr—Secretary to the Lords—Commissioners for—Trade and Plantations—dated the 19th Feby 1765.—In Mr Coopers, of the 21st—Octr 1765.

From Monsieur Aubrey to Governor Johnstone.

(French Version.)

Copie—

Monsieur,

C'est avec la plus grande douleur que J'ai l'honneur d'ecrire a votre Excellence, pour lui marquer, que Monsieur D'Abbadie, apres avoir eu, pendant six Semaines, un grand Mal de Tete, des Vomissements continuels, et des Etourdissements terribles, est Mort, le 4 du courant, a deux heures apres Midi, Emportant, avec lui, le Regret general de tous les Honnetes Gens de la Colonie; Comme Je me trouve, par cet Evenement Malheureux, chargé du Commandement de la Colonie, J'ai l'honneur d'assurer Votre Excellence, que Je negligerai rien, et que Je ferai tout ce qui dependra de moi pour entretenir la plus parfaite Harmonie, et la Meilleure Correspondance entre les deux Nations.

Aussitot que Je serai debarrassé de la Multiplicité d'Affaires qui m'accablent dans le Moment present, Ce qui J'espere sera sous peu de Jours, Je donnerai une attention particuliere a ce qui regard les Sauvages et ferai tout ce qui dependra de Moi, pour que vous puissiez prendre Possessions de Pais qui vous ont été cedés par le dernier Traité de Paix. Mr de Lagautraye m'a communiqué les Arrangements, qu'il a pris avec votre Excellence a ce Sujet; Je les approve tres fort, et Je l'aiderai autant qui Je pourrai dans une Enterprise aussi louable.

J'enverrai porter la Parole aux Arkansas avec de Presens convenables afin de les engager a ne point vous troubler dans votre Voyage, et a vous laisser passer tranquillement, pour prendre Possession des Illinois; J'espere pouvoir reüssir dans cette Objet; Je ferai de mon Coté tout ce que Je pourrai pour etablir la Paix et l'Union entre les Hommes rouges et les Hommes blancs; Votre Excellence pense trop bien pour n'en pas faire autant de son Coté, et en agissant ainsi tout ira bien.

Je n'en ecris pas d'avantage a votre Excellence par cette Occasion attendu que je me propose, avant peu, de lui faire un Detail circumstancié de tous les Arrangements que Je compte

From Monsieur Aubry to Governor Johnstone.

(*English Translation.*)

Copy—
Sir,

It is with the greatest sorrow that I have the honour of writing to your Lordship to inform you that after suffering for six weeks with an acute Head Ache, continuous vomitation and awful fits, Mr. D'Abbadie died at 2 o'clock in the afternoon of the 4th. instant, carrying with him the universal regret of all the respectable people of this Colony. As I find myself through this unfortunate event charged with the Command of the Colony, I have the honour of assuring your Lordship that I shall neglect nothing and shall do all in my power to maintain the most perfect harmony and the greatest intercourse between the two nations.

As soon as I shall be rid of the numerous affairs that overwhelm me at the present moment, which I hope will be in a few days, I shall give particular attention to that relating to the Savages and shall do everything in my power in order that you may take possession of the Country that has been ceded to you by the recent Peace Treaty. Mr. Lagautraye has informed me of the arrangements he has made with your Lordship in this matter; I approve of them most strongly and shall assist him to the best of my ability in such a commendable enterprise.

I shall send Word to Arkansas with suitable presents in order to pledge them not to bother you at all in your journey and to let you pass through quietly to take possession of Illinois; I hope to be able to succeed in this purpose; on my part I shall do everything in my power to establish Peace and Union between the Red Men and the White men; Your Lordship is too thoughtful not to do as much on his part, and in acting in this manner everything will go along nicely.

I do not write for the benefit of your Lordship on this occasion, considering that I purpose preparing in a few days a detailed Statement of all the arrangements I reckon to make and

(*French Version.*)

prendre, et que Je croirai les plus convenables pour contribuer au Bonheurs, et a la Tranquillite des deux Nations.

J'ai l'honneur d'etre avec un grand respect,—Monsieur,
De votre Excellence—Le tres humbel et tres
Obeissant Serviteur—Signé Aubry

Nlle Orleans—le7 Fevrier 1765 Son Excellence—Monsr Monsr Johnstone &c. &c. &c.

Endorsed Copy of a Letter from—Monsieur Aubry—Commandant at New—Orleans, to Gov^{r} Johnstone—7th Feb^{y} 1765—In M^{r} Cooper's of the 21st Oct^{r} 1765.

(*English Translation.*)

which I may believe to be the most suitable for contributing towards the welfare and peacefulness of both Nations.

I have the honour to be with great respect, Sire,
Your Lordship's most humble
and most obedient servant,
Signed—Aubry.

From Governor Johnstone to John Pownall.

Extract of a Letter from George Johnstone Esqr
Governor of West Florida to John Pownall Esqr
dated May 4th 1765.

As the Board of Trade upon leaving England had limitted me not to exceed the Money granted for the Contingencies of the Province; and as the Board of Ordnance by their Letter of the 20th of July 1764 by Engineer Durnford, had also prohibited me from incurring any Expences on Account of their Office, until it had been previously approved; It naturally occurred, that, in case of any Emergency calling for Public Money, where the Occasion could not be delayed, that the Treasury was the proper Board to draw upon under these Circumstances.

Accordingly, the Establishing the Post at Point Iberville or Manchac, being one of those Cases which could not be delayed, and at the same time essentially necessary for keeping all those Advantages which this Province is capable of yielding to Great Britain, I fell on the very Expedient pointed out by the third Article of that Minute, conscious that some such Power must be left some where, and equally certain there never was an Occasion which could better vindicate the Expence.

Accordingly I have drawn on the Lords Commissioners of the Treasury for one thousand Pounds in one hundred Pound Bills of different Dates, delivered to Engineer Robinson to be negotiated at New Orleans; and inclosed I transmit to their Lordships the different Papers showing the public Necessity of erecting that Post;

And, Secondly, I subjoin the Reasons why the Undertaking could not be delayed.

1st Near two thousand Pounds has been expended by Direction of General Gage, for opening the Channel of the River Iberville from Lake Maurepas to the Mississippi. As this River is filled by the Trees, which come down by the Floods of the Mississippi, if some Persons are not fixed at the Confluence of the two Rivers, to watch and turn those Trees and the Rubbish, the River Iberville will again be choaked up, and in consequence all the Expence and the Advantages, which may be derived from the opening of the River, will be thrown away and lost to our Country.

2d. If the establishing this Post was delayed until the Arrival of the Spaniards at New Orleans, it may be concluded from just Principles, that they would endeavour to obstruct every thing which could promote the Navigation by the Iberville, since it is evident, if the Navigation of that River was open, the whole Trade of the Mississippi must fall into our hands; and so in some Measure leave the Spaniards dependent on us for all Things. This Trade by the Mississippi appears from the Custom House Books at New Orleans to have been during the last Year 700,080 Skins, which is equal to one hundred thousand Pounds Sterling ℔ Annum.

3d. Many of the Inhabitants of New Orleans, and les Allemands, Point Coupee, and Natchitoches are willing to settle under His Majesty's Government, provided an Establishment was made at Manchac to protect them from the Indians: but none will quit the fertile Plains of the Mississippi, to settle on a less grateful Soil. If therefore this Establishment was delayed till the Spanish Government was established, we should have lost near three hundred Inhabitants we shall now acquire.

4th As it was necessary to give Presents to the Indians for the Passage of the Troops, the same Presents will serve for obtaining Liberty to build the Fort: For the Indians never consider what they give away, but what they receive; whereas if it had been delayed till a Report could have been made, supposing it then practicable, fresh Presents and Expences on that Account must have been incurred.

5th The Prosperity of the Province by a Course of Circulation within itself, (where Money begets Money by the Effects of Credit on Cultivation) depends on a Settlement on the Mississippi, provided the Communication is preserved by the Iberville, because at present we send for most of the Necessaries of Life to other Provinces; whereas, in that Case we shall be furnished within ourselves.

6th If the Spaniards come to New Orleans, which I have no Reason to doubt after the public Intelligence by His Majesty's Secretary of State, in his Letter dated the 8th September; by establishing this Post we shall run in Our Manufactures upon them in Spite of every Endeavour to the contrary.

7th Barracks must be built for the Troops if they remain here, and this Post is little more than Barracks for so many Men.

8th It is necessary to have it in our Power to checque the Means of carrying on a War against us by the Indians; and this can only be done by a Post on the Mississippi above New Orleans, from whence alone either the Southern or Northern Indians can be supplied with Ammunition and Necessaries.

9. It is not probable, that our Troops will get higher than Natchez this Year; and in Case they are repulsed, there is not any Place to retreat to, and they must return, as the other Regiment did last Year, by Balise, and so begin the Expedition anew from Mobile at the Cost of two thousand Pound extraordinary at least, and an equal Risque of Disappointment and Disgrace; whereas if they have a Retreat at Point Iberville, they can set out early in the Spring, they can secure their Batteaux in our own Ground, and they can fit out from thence, where the Money will circulate amongst ourselves.

Endorsed Extract of a Letter from—George Johnstone Esq^r^—Governor of West—Florida to John—Pownall Esq^r^ dated—May 4th 1765.—In M^r^ Cooper's of the 21st Oct^r^—1765.

From Governor Johnstone to Engineer Robertson.

Copy Pensacola the 9th Feb^y^ 1765.

Sir,

It has been deemed absolutely requisite for His Majesty's Service, to establish a Post at Point Iberville. You are hereby required to proceed in His Majesty's Sloop, Nautilus. on that Service.

That you may the better understand the Intention of all Persons concern'd, I transmit to you Copies of the different Papers which have passed, on this Occasion, agreably, to the Schedula annexed.

In the Complicacy which arises from the various Pretensions to Power, I am left only to guess at the Line you will be permitted to persue.

It is my Intention, as far as depends on my Authority, that you should have the principal Direction, in the building, constructing, furnishing Materials, and mounting Artillery, on this Fort, and in Consequence that you shall have the supreme Direction of the Ordnance, and Stores, of every kind; insomuch, that your order for the Delivery, on any Occasion, will be a sufficient Voucher to M^r Thomas, or the Person entrusted with them; This I mention only in Case of a Dispute, which I think is less lyable to happen with you than any Person I know; for I am sure you will take a particular Pleasure in consulting with all Persons concerned in Office there; And I beg you will be as open as possible in every Transaction to avoid the slightets Suspicion of the Perversion of Publick Money, following, as far as possible, the Forms of the Board of Ordnance; For tho' I am prohibited by their Instructions to M^r Durnford from drawing on them on this Occasion, yet I think it probable the Accounts may pass through their Board.

You will observe, by the different Papers referred to, that the Intention of establishing this Fort is merely to be considered as a Post for the present, untill the further Directions of Government can be obtained; & therefore if it is possible to curtail any part of the of the Plan, and reduce the Expence with Safety, you will do it.

Nothing could have induced me to have undertaken this Work, under the Difficulties which present, except a thorough Conviction, that the future Prosperity of the Province depends upon it; and that it would be impossible to improve the Advantages, which will arise from opening the River Iberville, without seizing the present uncertain Situation of the Government of New Orleans, in establishing a Footing on Point Iberville.

As the preserving the Navigation of this River open and uninterrupted by Trees, and the drawing over the Inhabitants of the other Side, to settle in His Majesty's Dominions, are two of the principal Objects in View, by this Establishment, you will have a particular Regard to them.

In order to enable you to Act with more Weight, in this last Respect, I herewith inclose you a Power in Conjunction with Captain James Campbell, and Mr Charles Stewart, to promise

Land, upon the Plan of the King's Instructions, to such Settlers as you shall judge worthy; And to save future Trouble, Mr Durnford will also beg your Acceptance of a Deputation from him, as Surveyor, so that the Plotts may be regularly returned, in order to pass the Grants.

The Scarcity of Money in this Province prevents me from furnishing you with more than the Sum of £500 Dollars; but I have also given you Bills for £1000 Sterg to be negotiated at new Orleans, or where else you have Occasion.

I am ignorant, who may be appointed Commanding Officer of the Troops; If it is Captain Campbell, I shou'd hope all things will go cordially; and the only Difference will be, who shall do most for the King's Service.

You will take Care, that no Grant of any Land is given, so near the Fort as to be able, either at present or in future, to obstruct the necessary Operations of a Garrison, or the Extension of the Works on a larger Plan.

I desire the Fort may be called Bute, in Remembrance of that virtuous Minister, who was the Instrument employed by His Majesty under the Blissing of God for extending his Dominions to that Western Limit.

As the Friendship of the Indians is to be conciliated by every Means, in our Power, so you will use every Endeavour to obtain Permission from those, who may claim a Right to the Land, before you begin any Work; And as Mr Stewart, His Majesty's Superintendant for Indian Affairs, has sent Presents & a Deputy to execute this Business, there can be no Doubt of gaining that Point, more especially as the Tribes are inconsiderable, and the Advantages will be great to themselves, and that Captain Campbell has already prepared their Minds.

You will observe that you are only sent for the present Service, and therefore you are not, on any Account whatever, to proceed on any other, but to return to Pensacola, as soon as that is compleated.

Sir John Lindsay, before his Departure, acquainted me, that he had given orders to Captain Locker of His Majesty's Ship, Nautilus, to proceed to Dauphine Island and receive the Troops, and then proceed to Point Iberville & to render every

Assistance in his power in the Execution of the Service, you are sent upon; You will therefore consult with him & the Commanding Officer of the Troops on all Occasions; both of whom I dare say will be happy in contributing every Means, which can promote the End.

You will acquaint the Commanding Officer of the Troops, that no Provisions will be allowed on board the Nautilus on Account of the Navy; and therefore he must either pay in different Species, or Cash, or lay in his own Provisions, I am with a perfect Dependence on your Zeal & Ability,

Sir,

Your most obedt humble Servt

Geo: Johnstone.

Endorsed Copy—Instructions & Orders—from Govr Johnstone to—Mr Archd Robertson,—Engineer, relative to—the erecting of a Fort—at Point Iberville.—In Mr Cooper's, of the 21st Octr—1765.

From Monsieur Caminade.

(*French Version.*)

Monseigneur

J'eus l'honneur d'ecrire à Votre Excellence le 18: févr: dernier pour là remercier trés humblement de sa gracieuse recommandation au prés de notre trés cher et sage Gouverneur George Johnstone c'est ce qui je prens la liberté de confirmer à Votre Excellence.

Je suis continuellement atentif à tout ce qui peut procurer le bonheur et l'avancement de la nouvelle Colonie de la florida Occidentale et je prens la liberté d'en faire part à Votre Excellence. Je pense donc, que pour quelle réussisse au mieux, Il conviendroit qu'elle eut le commerce libre avec toutes les nations pendant dix ans et que pendant le même espace de 10 années, toutes les terres fussent exemptes, d'aucune taxe ne imposition, sans quoy Il seroit à craindre, que les habitans sortis—sent de la floride, pour aller occuper d'autres belles terres, qui ne sont sujettes à aucene imposition. Je conte que plusieurs personnes auront fait les mêmes observations à Vôtre Excellence; ce qui en prouverait la solidité.

Le sort de cette Colonie de la Louisianne est encore inconnue jusqu'a présent: le souverain à qui elle tombera en partage, possédera la plus belle terre qu'il y ait sous le Ciel à tous égards; j'en peux parler avec connoissance de cause: j'en ai fait une étude exacte pendant 17 ans.

J'ai l'honneur d'etre avec tout le respect possible
My Lord
De Votre Excellence
Le trés humble. trés obeissant
et trés reconnoissant serviteur
françois Caminade
Conseiller de la Province de la
floride Occidentale.

présentément à Nouvelle Orléans ce 15e Juin 1765.

Je conte dans quelques jours de faire un petit voyage à Manshac à 35 Lieües d'ici, pr visitter par moi même les travaux que l'on y a fait, Vôtre Excellence aura apris que la Riviére

From Monsieur Caminade.

(*English Translation.*)

Sire,

I had the honour of writing to Your Lordship on the 18th. of February, last, tendering my most humble thanks for the kindly recommendation to our beloved and wise Governor, George Johnstone; it is this which I take the liberty to confirm to Your Lordship.

I am constantly alert to everything which may be conducive to the welfare and advancement of the new Colony of Western Florida, and I take the liberty of making it known to Your Lordship. I believe that, for it to succeed to the best, it would be advisable that it should have free trade with all nations during a period of ten years and that during the same term of ten years all lands should be exempt of all tax or assessment, without which it is to be feared that the inhabitants will leave Florida to go and settle other fair lands which are subject to no assessment. I suppose many persons have made the same remarks to Your Lordship, which will prove the soundness thereof.

The fate of this Colony of Louisiana is still unknown up to the present time; the sovereign to whose lot it may fall will possess in every respect the fairest land there is under the sky; I can speak with authority; I have made a careful study of it for 17 years.

I have the honour to be with all possible respect,
My Lord,
Your Lordship's
Most humble, most obedient
and most grateful servant,
Francois Caminade
Counsellor of the Province of
Western Florida.

at present in New Orleans this 15th. of June, 1765.

I intend to make in a few days a short trip over to Manshac at 35 leagues from here, to inspect by myself the works that have been done there; Your Lordship may be apprised that the

d'yberville est débouchée et qu'il y a actuellement communication du fleuve Mississippy au Lac Maurepas et du Lac Maurepas à la Mobille.
Endorsed New Orleans 15th June 1765.—Mor Caminade,—one of the Council in Wt Florida—℞ 8th Novr

Iberville River is open and that there is at present communication from the Mississippi River to Lake Maurepas and from Lake Maurepas to Mobile.

From Governor Johnstone to Lord Halifax.

Pensacola 14th September 1765.

My Lord,

It is with great Concern I acquaint Your Lordship of the Death of Brigadier General Bouquet in thirteen Days after His Arrival in this Province.

In my Opinion, His Majesty's North American Dominions could not have suffered a greater Loss. Certainly no Man was ever calculated in a higher Degree to sustain a rising Settlement; for, besides the Study of his own Profession, the Improvement of Societies had been a particular Subject of his Application.

By His Death, the Command of the Troops within this Province falls again upon me.

In the Manner in which His Majesty has been pleased to settle those Points, either in the Absence of the Brigadier, or in Case of Death, I humbly represent that the Power of assembling a Court Martial is extremely wanted.

Those who are affected in their Conduct by the Fear of Punishment require a Power of applying it. Otherwise, if a twelve Month must intervene before a Trial can take Place, Suspension, or Arrest, instead of producing Order, will rather tend to generate Party Confusion. If the Power was necessary to General Bouquet, it seems likewise necessary to those who may succeed to his Command.

But for Fear I should be requesting any Thing improper, I have begged the Favor of the ablest Officer in the Province, Lieutenant Colonel Wedderburn, who now returns with his Regim^{t} to London, to wait on Your Lordship, and explain that it is even with the Consent of the Superior Officers themselves that I solicit this Power, which is absolutely necessary to be lodged with Some One on the Spot, more especially for the regulation of Troops at such a Distance.

I beg further to acknowledge the great Services which this Province owes to Lieutenant Colonel Wedderburn, by the ready Assistance he has given, by his own Abilities, and those under his Command, in settling the Government of the Province, and rendering every Good to every Individual.

For an Account of a late Calamity which has befallen us, I beg Leave to refer to him.

The unhospitable Situation of the Troops, with respect to Barracks and Conveniences of every Kind, did no Doubt serve to increase it; and the want of a regular Hospital, to render it universally epidemic. Above one Fourth of the Soldiers have already died, and one Fifth of the Inhabitants; which has been so much the more terrible, that Sickness was hitherto unknown at Pensacola.

Amongst others who have departed this Life, is Simon Amory, Naval Officer and Register, tho' considering his advanced Age, (seventy two) his Death can hardly be deemed untimely.

I have appointed M^{r} John Hannay to officiate in his Place, whom I beg leave to recommend to Your Lordship for a Confirmation.

As M^{r} Amory had been educated in a very low Situation of Life, having lived as a Retailer of Pins, Needles, and Grocery, in Taunton; and this added to an enfeebled State from his great Age. The two Offices had run into great Confusion. Tho' in the Distinctness of One depends the Property of every Person here.

However, by the Abilities of M^{r} Hanay, who has undertaken to register the whole, de Novo, without further Expence to the Parties, I am persuaded it will soon be in a State of Regularity.

This Gentleman, M^{r} Hannay, was the Person who went into the Creek Nation to bring down the Mortar, and to whose Abilities and Courage, in venturing himself among them while in that desperate State, we owe, in a great Measure, the Peace with that Nation.

This Office was the only Recompense in my Power, which has happened to reward him. I gave it from a Principle of Public Gratitude to Merit; and I hope Your Lordship will support him from the same Motive.

If private Views could have determined my Conduct, I have a Relation in my Family, besides my Private Secretary, to whom it would have been more natural to have offered it.

I am, with the most perfect Respect,
My Lord,
Your Lordship's
Most obedient, and
Most humble Servant
Geo: Johnstone.

The Right Honorable
The Earl of Halifax
&c^a^ &c^a^ &c^a^

Endorsed Pensacola. 14th Sept^r^ 1765.—Gov^r^ Johnstone.—R 20th Decr

PART III.

Public Record Office. Colonial Office—Class 5. Vol. 583. 1765-66. Original papers. Letters and enclosures to the Secretary of State from Governor George Johnstone and Lieutenant-Governor Montfort Browne.

TRANSCRIPT OF VOLUME 253, AMERICA AND WEST INDIES SERIES, PUBLIC RECORD OFFICE, LONDON, ENGLAND. (OLD CLASSIFICATION.)

NEW CLASSIFICATION.

COLONIAL OFFICE, CLASS 5

NO. 583.

From Governor Johnstone to Secretary Conway.

Sir, Pensacola 23d October 1765.

I have the Honor to acknowledge the Receipt of your Circular Letter, acquainting me, that upon the Resignation of the Earl of Halifax, His Majesty had been graciously pleased to deliver to You the Seals for the Southern Department.

Upon the Resignation of so able a Statesman as the Earl of Halifax, it must afford every one the greatest Joy, that His Majesty has been pleased to fill this Station by One whose Character is so universally admired, and of whom the Public has formed such general Expectations.

I am, with a perfect Respect,
Sir,
Your most obedient, and
most humble Servant
Geo: Johnstone.

The Right Honorable
Henry Seymour Conway Esqr
&ca &ca &ca

Endorsed. Pensacola, Wt Florida, 23d Octr—1765. Govr Johnstone.—℞ 10th Febry 1766.

From Governor Johnstone to Secretary Conway.

Pensacola 24th October 1765.

Sir,

I received a Duplicate of a Letter from the Earl of Halifax, acquainting me that it was with much Concern and Surprize, He had received from Major General Gage a Memorial signed by nineteen Officers in the Garrison of Mobile, complaining of the Violence and Severity of my Behavior towards them.

It is much more surprising to me, that the first certain Accounts I should hear of this Memorial was from His Lordship's Letter, and that upon the strictest Review of my Conduct, I cannot recollect the slightest Circumstance which could give Occasion for such a Charge.

Upon the Arrival of Lieutenant Colonel Wedderburn, Captains Pownal Dundas and Forbes, from England, I had heard some such general Assertions had gone Home against me; and therefore, in the Presence of those Officers, I did call upon any of those Gentlemen, who must have signed the Memorial, to instance one Particular of my Conduct, while all Parties were on the Spot, which could give Occasion for such a Charge; or to produce the Memorial itself, that it might be examined.

There was not one amongst the whole, who ever did, tho often requested, produce the Memorial, or who could name the Circumstance of Offence.

As far as I could learn from the above named Officers, the Subscribers in general were ashamed of their Conduct, and imputed the whole to a Misrepresentation of Captain Lind. Some of them had likewise conceived about the Time of signing the Memorial, that several Prosecutions, which were commenced against them on the Establishment of the Civil Power, had been stimulated by me; whereas they are now convinced, I was following a quite contrary Conduct, as far as my Station permitted me to interfere.

In short, Sir, West Florida Disputes will not bear a Repetition in Pall-Mall. I am afraid, I have already taken up too much of your Time. Of The Gentlemen who signed the Memorial, many of them are now in England. If there is one among the Number, who, in the Presence of Colonel Wedderburn their Commanding Officer, will assert any Instance of Uncivility towards any of them, which, to his the Assertor's Knowledge, was ever acted by me, Without further Reply, I am ready to stand condemned.

I am too sensible of the Gratitude we owe to Men defending us, under all the Hardships which a first Settlement naturally opposes, to have been guilty of any Severity towards them, or to have diminished the Respect that is certainly due to His

Majesty's Troops, and which may truly be said, with Regard to the inferior Officers, to be the only Reward of their Toil.

The Truth is, that several of the young Gentlemen had not the Patience, on the Change of Government, to view, with the Discernment of a Montesquieu, those People, whom formerly they had trampled under Foot now on a Footing with them. And I being likewise obliged, by a Number of Solicitations, to complain of the Conduct of an unhappy Man Major Farmar, who had commanded them.[1] Honor and Generosity had prompted me to send him a Copy of the Complaint, as also Copies of the Representations which had been made to me against him.

I have been informed since that he was advised, by Men more wicked than himself, that the best Method of blunting the Edge of those Representations, was, to send a Complaint against me in Return. By which advice, the Memorial alluded to was hudled up in three Weeks after I landed at Mobile, and signed by many (whom I never saw or conversed with) as a Duty in the Esprit de Corps.

I am, with the most perfect Respect,

Sir,

Your most obedient, and
most humble Servant,
Geo: Johnstone.

The Right Honorable Henry Seymour Conway Esq^r^
One of His Majesty's Principal Secretaries of State.
Endorsed. Pensacola, 24th Oct^r^ 1765,—Gov^r^ Johnstone—℞ 10th Febr^y^ 1766.

From Governor Johnstone to Secretary Conway.

Pensacola 28th January 1766.

Sir,

I am sorry to acquaint You that I have been obliged, for the Benefit of His Majesty's Service, to suspend Edmund Rush Wegg, His Majesty's Attorney General for this Province, from the Execution of that Office, until His Majesty's Pleasure shall be known, agreably to the 24th Article of His Royal Instructions to me.

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[1] A serious quarrel broke out between Gov. Johnstone and Maj. Farmar soon after the former reached Pensacola. Farmar and his friends complained to Gen. Gage; Johnstone charged Farmar with embezzlement. He was tried before a court martial and acquitted.

The general Accusation which I lay to his Charge, is, Incapacity and Negligence.

When You are pleased to consider the Importance of that Trust, in settling a new Colony, and establishing the Proceedings of Justice in every Respect; and that I acquaint You, the Person to whom I am directed to have Recourse on the multiplied Niceties which daily occur, was an Attorney's engrossing Clerk, of twenty Years of Age; I am persuaded, the Situation of the Colony, in this Respect, must command your Pity.

Nevertheless, from the established Rule of Forbearance with which I set out, I was loth to make any Representation against the Childish Behavior of this Youth; being in Hopes that my own Application might have remedied his Defects, until Time, from the Seriousness of his Charge, had fixed the Giddiness of his Temper.

But to my utter Disappointment, I could foresee no Hopes, either of Amendment or Improvement.

We had lately a Trial at Mobile of the most ticklish Nature, being that of a White Man for the Murder of an Indian. The Question of Infidel Evidence was to be discussed on the one Hand; and the Distinction between Murder and Manslaughter on the other. Two very nice Points of Law, and the Existence of the Province depended on the Issue. Happily for us, the Jury gave their Verdict Guilty, after three Hours Deliberation. But I believe, those who are acquainted with our late Attorney General will allow, if we had depended either on his Abilities or Attention, there was little Hopes of our Deliverance.

This convinced me how dangerous it is to commit an Office of such Importance to one whose Manner is sufficient to turn the gravest Form of Justice into Ridicule.

The particular Charge for suspending Mr. Wegg at present is the following Case.

From the feeble Powers of our Government, The total Indolence of the Chief Justice, The few Persons willing and skilled in the Duty of Justice of the Peace, The Want of religious Ceremonies, having neither Church or Chaplain, The Uncertainty of Military Support in Case of Resistance; arising from the Disputes about Command. All these have let loose the Minds of the wicked; and Villanies have multiplied to a horrid Degree amongst us.

There are now in the little Jail of Pensacola eleven Persons for Capital Crimes. Amongst the rest is a Person who has been received in the Character of a Gentleman here, by Name Robert Harley, and who is confined for Murder. To summon a Grand Jury and Petty Jury is extremely troublesome here. Men must come from very distant Parts, at a great Risk and Expence.

The necessary Informations on the Crime of this Harley were given the Attorney General at least two Months before the Term. He told me, two Days before the Meeting, that he was in all Things prepared for Trial. When nevertheless, on the opening the Court, to the utter Astonishment of every Person there, M^{r}. Attorney moved to adjourn the Court for twenty Days, till he could summon his Evidences, and prepare his Indictments; not being ready in any one Action.

It is true, the Crown has the Privilege of putting off Trials. But this Power should never be exercised but on extraordinary Occasions; and, I think, even in a large Society, the Officers for the Crown should always be able to shew they have used their best Endeavors to bring Matters to a Hearing. But in this Country it is absolutely requisite. For so many People, so long confined in a narrow Prison, is enough to breed a Plague. The Expence to Government is also great. And the summoning the Principal People of the whole Province together, to attend the capricious Negligence of a single Person, I thought, was too much, and what required a Public Example, in Justice to the Society.

For which Reason, I suspended M^{r}. Edmund Rush Wegg, and appointed M^{r}. Arthur Gordon to act in his Place, until His Majesty's Pleasure is known.

If His Majesty should be pleased to approve of the Suspension of M^{r}. Wegg, I humbly beg Leave to recommend M^{r}. Gordon to your good Offices, in being confirmed in this Appointment. I believe there is not a Person, who has been in West

Florida, who will not acknowledge, he is one of the most deserving and sensible Men of the Community.

I am, with a perfect Respect,
Sir,
Your most obedient, and
most humble Servant,
Geo: Johnstone.

The Right Honorable
Henry Seymour Conway Esq^{r}
&c^{a} &c^{a} &c^{a}

Endorsed. Governor Johnson—Pensacola. 28 Jan:ry 1766.—Recd 14 May.

From Secretary Conway to Governor Johnstone.

Sir, St. James's, 13th March 1766.

I was extremely well pleased to find by Your's of the 29th Oct^{r} 1765, that there no longer subsisted any Differences between You & Those employed in the Military Service: Such Disputes, as they must be extremely disagreeable to any good Man who is thrown into them, So they are certainly of very bad Consequence to the Publick Service: I am therefore persuaded that You will think worthy Your utmost Prudence to maintain a Spirit of Union and Concord throughout Your Government.

I am also happy to hear from General Gage, that the Troops at Mobile begin to be inured to the Climate; and I hope, before the next bad Season sets in, Their Accommodation will be so mended, as to leave Them less exposed: You will naturally coincide with, and give every Assistance in Your Power to whatever Plans His Majesty's Commander in Chief in North America shall devise for this salutary Purpose.

I have not, at present, any Thing in particular to give You in Command from His Majesty. But as it is the great Object of His Majesty & His Servants to form such Regulations as may be found conducive to the Good of the whole British Empire, Your Government will, with the Rest, come under Consideration; and Your Proposal of a Post at Ibberville, and That, mentioned in Your last of the 14th Sept^{r}, of Vesting the Power of assembling a Court Martial in the Governor, as well as of the Propriety of establishing Commissaries to reside among the Indian Nations, will be determined upon.

Mr. Macpherson, whom You honour'd with Letters in His Favour when He came Home, and whose Character had obtained Him the Support of respectable Friends here, has been recommended by me to His Majesty for the Place of Vendue-Master; And at the same Time I recommended Mr. Hannay, in Whose Favour You write, to be Provost Marshal; with which His Brother here is so well pleased, that I take it for granted You will be convinced that Your Recommendation had Weight with Me. I am also to mention that, upon your Information of the Death of Mr. Amory, late Naval Officer & Register in West Florida, His Majesty has appointed Sir Richard Murray to succeed Him in those two Offices.

I am &ca H. S. Conway.

George Johnstone Esqr
Govr of West Florida.

Endorsed. 13th March 1766—To Govr Johnstone.

From Montfort Browne.

Sir,

I have the Honor to acquaint your Excellency with my safe Arrival in this Province in January last, with all my People in good Health.

There are some Reasons why I could wish that consistent with the Trust His Majesty has been pleased to repose in me, my Silence regarding the melancholy and deplorable Situation of this Province might be excusable, but as my Duty obliges me, I shall endeavour to describe it to your Excellency, as clearly as my short Residence here will permit.

The day after my Arrival, I was summoned to attend the Council and was sworn in; Governor Johnstone represented in a most striking Manr the Conduct of Lieutenant Colonel Ralph Walsh and the absolute Necessity of sending for Lieut Colonel Maxwell, and the principal part of his Majesty's 21st Regiment, to come from Mobille to Pensacola, to quell a most dangerous Mutiny, that was broke forth in that Garrison; and for Colonel Maxwell to take the Command from Col. Walsh. It gives me great Concern, that from Govr Johnstone's Representation, and Papers which he produced and read; from the Concurrence of other Members in the Council, particularly from that of Capt.

Maxwell of the 21st Regiment who is one of the Councillors, and who I presumed must be particularly informed of every Circumstance and would not vote in opposition to Truth; and from my entire Ignorance of any Disputes, then subsisting between Governor Johnstone, and Col. Walsh; I was induced to consent to Govr Johnstone's proposition. A few Days fully convinced me, that I had been deceived into a Consent; and gave me a thorough Detestation of the Measures pursuing here. Command, that Bone of Contention, which has been the Source and Origin of almost endless Disputes and Troubles to the iminent Danger of this Province, gave Rise to the Present. Upon Enquiry I learn'd that this Charge, of a dangerous Mutiny, and Disobedience of Orders, proceeded from Col. Walsh's having ordered, upon Govr Johnstone's sending on the 8th of January last, for the Keys of his Majesty's Garrison of Pensacola, to be sent to his House; that they should remain in the Guard-Room, where they had been kept for several Months before; And from his having given an Hutt, within the Garrison of Pensacola, to a Volunteer, Son of a Major Powell, in preference to a Taylor, Soldier in Capt. Maxwell's Compy who had lived in it some time; and upon Govr Johnstone's giving a Parole (Bedlam, Countersign, Lunacy) in order to render him ridiculous to his Corps taken the Centries from his Door for 4 or 5 days.

In Conformity to the Resolution made in Council; Govr Johnstone sent a Letter to Col. Maxwell, enclosing an Extract from the 74th Article of his Instructions; ordering him without a moment's Loss of time, to come round to Pensacola, with the principal part of his Regiment, to quell the most dangerous Mutiny, broke forth in that Garrison; at a time we were surrounded by a numerous and jealous Body of Indians; and from Colonel Maxwell, to take the Command from Col. Walsh; who was the principal Actor therein.

On the 27th day of January Govr Johnstone wrote to your Excellcy and the Secretary at War, as he mentions in a Letter of that day, to Genl Gage, requesting a Court Martial for the Trial of Coll Walsh, upon seven different Articles, which will, upon Scrutiny I doubt not, appear more in favour of Col. Walsh, than Govr Johnstone.

On Tuesday the 21st January last, Lieut. Maclellan, Barrack Master, and the Wife of the Taylor, who had possessed the Hutt in Dispute, made their Affidavits before Messrs Bruce & Gordon, two Justices of the Peace, (the former Collector of the Customs at Pensacola, and one of the Council, the latter appointed Attorney General in the place of Mr Wegg, lately suspended) concerning the taking Possession of that Hutt by Mr Powell. Between 8 & 9 o'clock that Evening, at a time Col. Walsh had a large Company at his House, he received a Note from Messrs Bruce & Gordon, acquainting him that Information had been made, on the Oaths of several credible Witnesses, that he had contrary to the late Act of Parliment for regulating the Quartering of Troops in America, taken Possession of an Hutt in the Garrison; that they desired to know what he had to offer, before they signed the Certificate, which they were, by that Act bound to do, as Magistrates: Col. Walsh told the Bearer, that it was then too late to collect his Witnesses; but would attend Messrs Bruce & Gordon, if they would send Word what time they would meet, the next Morning: Receiving no Answer, Col. Walsh the next Morning early, sent a Note to know what time they would meet, that he might attend. About 9 that Morning, Mr. Gordon called on Col. Walsh, at his House; when after reading the Affidts of Governor Johnstone, Lieut Maclellan & the Taylor's wife, he desired to know what Col. Walsh had to say; He endeavoured by Genl Gage's Instructions, and the Act of Parliment itself, to convince Mr. Gordon; that that Act did not in the least affect the Hutt in Question; as it was within his Majesty's Garrison and was at the time Mr. Powell took possession of it a Soldier's Barrack. Mr. Gordon being of a different Opinion, Col. Walsh then proposed having Witnesses examined in his Vindication, That could not be done; as Mr. Bruce was that Morning set out for Mobile, and the Certificate was signed the preceding Night, and sent to Genl Gage, in Expectation doubtless, of having Col. Walsh cashiered, agreeable to the Act.

Nothing certainly can be more unjust than this procedure, nor can reflect more on the Mode of distributing Justice here; no Conviction as yet entered up, no Copy of the Certificate to be obtained, altho' Mr. Wegg on behalf of Col. Walsh, has frequently applied to Mr. Gordon for Copies of both.

On Thursday the 30th January, Lieut. Coll Maxwell, with the principal part of the 21st Regiment, arrived at Pensacola in two Schooners: I shall pass over the Messages and Conversations, that and the next Day as they are of little Consequence.

On Saturday the 1st of February, about 9 o'clock in the Morning Col. Walsh being informed by some Person that Govr Johnstone had given Orders to Col. Maxwell, to disembark himself and Troops, to march into the Garrison of Pensacola, and to take the Command from him, he ordered the Gates to be shut, additional Centries to be posted, and the Guns to be loaded. Govr Johnstone sent an Order to Col. Walsh, directing him to admit the 21st Regiment into the Garrison; this he refused, as neither he nor Col. Maxwell had informed him with the Reasons for their March thither. About ten the Troops were disembarked, and Col. Maxwell sent Col. Walsh word, that he was a marching his Troops into the Garrison, the Other Answered to the follg Purpose. "that he cou'd not admit "him with his Troops, but would send the Qr Master to assist "them in encamping under the Guns of the Fort." This was reported to Govr Johnstone, who said, he expected that Coll Maxwell wou'd attempt to enter, as possibly the Gates might not be shut. In the Interim Col. Walsh went to the Water Gate, and asked the Reasons for his coming, of which being informed he declared, he could not admit them into that Garrison; that it had been entrusted to him by His Majesty; he therefore could not deliver it up, without proper Authority and Order for so doing.

Mr. Thompson, Secretary to Govr Johnstone, having made an Affidavit before him, that the 21st Regiment was obstructed in their March, into the Garrison He, attended by Mr. Thompson, came down to Col. Walsh, whom he arrested in his Majesty's Name for *High Treason*, and conducted him immediately to his House, where he was again, by Govr Johnstone's Orders & by virtue of his Warrant to Mr. James Johnstone, his Nephew, the Provost Marshal, arrested for High Treason.

Governor Johnstone, then went out at the Water Gate, conversed with Coll Maxwell, and repeatedly requested him to attempt to enter by force; which was absolutely refused. The Governor demanded Admittance, but the Serjeant not coming instantly with his Keys, he made over the Stockade; Mr. Thompson defending him from the Centries with his drawn Sword. At that time it was easy to know the Opinion, the People have of Gov^{r} Johnstone's Administration.

Soon after, the 21st Regiment was admitted to march into the Garrison, by an Order from Gov^{r} Johnstone, to Major Bromley of the 31st Regiment. A Council was summoned, after much Altercation and Dispute, the most opprobrious and insolent Language, given by Gov^{r}. Johnstone, to Mr. Clifton the Chief Justice, the Council broke up. Col. Walsh was conducted to Mr. Clifton's House, where an Habeas Corpus had been prepared by Mr. Wegg. Gov^{r}. Johnstone there made a long Affidavit against Col. Walsh, read the Affidavit Mr. Thompson had sworn before him, then went home. Mr. Clifton after having heard Col. Walsh's Defence; about 7 o'clock that Evening honourably discharged him.

Foiled in these various Schemes, on Monday 3^{d} February, Governor Johnstone pursued another; He wrote to Colonel Maxwell, enclosing him a copy of his Letter to General Gage, of the 27th January, requesting him to put Col. Walsh under an Arrest, which he refused.

I shall not animadvert upon these Matters, or upon the Conduct of Governor Johnstone, farther than by saying his Measures are condemned by all, as partial, & arbitrary; in these, he is supported by most of the Councellors, who, thro' sympathy of Dispositions and Principles, or thro' Fear, or thro' an implicit Obedience to his Dictates; dare not oppose him in anything. Nothing yet appears by all Accounts to have been attempted in the Council, for the Benefit of the Province, not even a Church either at Pensacola or Mobile, nor even a Parson of any kind at the latter: the greater part of the Employment of their Board, has been Governor Johnstone's Disputes with the Army.

As I am not sufficiently acquainted with the Gentlemen who compose the Council, I am not able to give their particular Characters; the greater part appear to be subservient to Gov^{r} Johnstone's Purposes, and I must own that I think Mr. Hannay, a young Man about 19 or 20, is not in any manner qualified for so important a Trust as a Councell^{r}, nor indeed are many others.

It is with great Regret, that a few days since I received a Letter from Mr. Clifton. the Chief Justice, advising me that he had been obliged, from Gov^{r} Johnstone's insolent Treatment of him, upon all Occasions in the Council to resign his Seat, because he dared to differ from him in Opinion, and speak his Sentiments; this with his having since endeavoured to suspend him from the execution of his Office of Chief Justice, and offering that important Employment, to Mr. Clarke, a Merchant of this Town, who for prudent Reasons refused it; and with his having suspended Mr. Wegg, the late Attorney General; has added greatly to the Surprize, and Fears of every Inhabitant, who think their Persons, their Liberties, and Properties are affected; as these two Gentlemen have in their respective Employments, given the greatest Satisfaction, and are universally esteemed.

I cannot conclude without informing your Excellency, of the Treatment I myself met with from Governor Johnstone, he notwithstanding my Commission and Mandamus, under his Majesty's Sign manual, has refused to receive me as Lieu^{t} Gov^{r} of this Province, my Commission as L^{t} Governor (as he was pleased to term it) being a dormant one, & probably forgot to be communicated to him, either by the Ministry or Board of Trade. On an another Occasion, in a Conversation concerning some Guns which I was to spare the French Refugees, out of my own Stock, he told me I wanted to impose upon the Lords of Trade, by cramming down their throats, Guns that were not worth 12 Shillings, instead of a Guinea, & that he would inform their Lordships thereof; I appeared much displeased at the liberty of his Speech; He told me, in case I did not Like his Conversation, he would meet me when and where I pleased,[1] to which, I hope, I made a proper Reply.

One of the Refugees only, died on the Passage; the rest I delivered up with their Baggage &c^{a} to Gov^{r} Johnstone; who has settled them near a Plantation of his own, up the River of Pensacola.

The Fees of this Infant Colony, in every degree whatsoever, are by every One complained of, the Merchants in particular, grumble much at the extravagant Fees taken by Pilots; the common Expence to the Pilot and Custom House, of the Ship I chartered to bring me out here, amounted to 114 Dollars, tho' I brought nothing in her but Settlers & a year's Provision for them.

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[1] Johnstone had been somewhat noted as a duelist in England.

Another Instance, which proves Govr Johnstone's Intentions of serving Me and this Colony, he learned by some Means that the greater number of my People, had signed their Engagements with me, on Board the Ship at London and Corke, which he publickly declared was not valid, by which Means a number of my People, were encouraged to run away from me, & I have it not in my power to remedy myself; this is a prodigious Disappointment to me, as it has been very expensive to bring over such a number of People, without any Assistance from the Government.

I am with great Respect
Yr Excellency's
most obedient &
most humble Servt
Montfort Browne.

Mobille 27th March 1766.

P. S. A few Days before I left London, I had the Honr to memorial your Excellency for Rank in the Army, which your Excellcy will find by my unwearied Study to serve this Province, I shall merit.

Endorsed. Mobille. 27th March 1766.—Lieut Govr Browne —℞ 14th July.

Memorial to John Pownall.

Copy.

West Florida April. 1766.

Sir,

The absolute and obvious Necessity of the following Lines, on which depend the welfare & very Being of this Infant Province, is an excuse for troubling you with them, and intreating you with the earliest conveniency, to lay the Contents before the Lords Commissioners for Trade and Plantation; in hopes that the numerous Grievances we have hitherto laboured under from the Administration of Governor Johnstone may be speedily redressed; we shall confine ourselves to a few of the most striking.

That he has hitherto refused to confirm the Lands purchased from the French, agreable to the tenor of the late Treaty.

That he has refused not only to give such of the French Inhabitants, as are become British Subjects confirmation of the Lands and Houses they possessed under the french Government, but also their Original Titles, which they sent to him soon after his Arrival.

That he, in the Months of November and December, 1764, did at Mobile sit as Judge of the Admiralty, and did condemn two Vessels, altho' he by Law is a Party, and is intitled to One Third of the produce of Seizures.

That, in the Month of April 1765, (after a Sloop called the Little Bob had made a new Voyage) he obliged Mr. Daniel Clark, the then Deputy Collector of Mobile, to seize her for having imported five Hogsheads of Claret in a former Voyage.

That, a few days after, information was made on Oath to the said Mr. Clark, that a Sloop called the James, was arrived at Mobile loaded with Wines, Brandy &c. from New Orleans, whereupon Mr. Clark did seize her, and after detaining her some days, without being Libelled, the Wine, Brandy &c., being the property of Lieutenant Colonel Wedderburn, were, by Governor Johnstone's orders delivered to Lieu^{t} Colonel Wedderburn, and the Informer committed to Goal, there kept more than two Months upon Suspicion of Perjury, but never prosecuted for it.

That, in the Month of June last, by the Orders of Governor Johnstone, Lieutenant Colonel Wedderburn did send for Mons^{r} Favre (Interpreter at Mobile) and did confine him in the Guard Room at Mobile, until the Month of September, when he was sent to Pensacola as a Prisoner, where he was detained in the Governor's House for some days, and then gained his liberty. As yet we know not the cause of such a Procedure; but the Consequence is, that some of the most Considerable of the French, who became British Subjects, are possessed with such an opinion of the British Constitution, from Governor Johnstone's

Arbitrary and Despotic Government, that they are preparing to quit this Province.

That Governor Johnstone, notwithstanding his, and the Council's Order in February 1765, for granting certain Town Lotts in Pensacola to Mr. James Noble, Notwithstanding a regular Warrant of Survey, return thereto, and Fiat signed and delivered into the Secretary's Office, has absolutely refused to sign any Grants thereof.

That his thirst of Power and Command has, to the great detriment and imminent danger of this Province, created innumerable disputes between him & the Military, of which there cannot be a more striking Instance and greater Certainty, than his endeavouring, from his disputes with Lieut Colonel Walsh, to make His Majesty's 21st and 31st Regiments, who were sent for the support and protection of the Province, become the Butchers of each other.

To support himself in his unjustifiable, Arbitrary and Tyranical Principles, he has collected a Council subservient to his Purposes; Those that dare speak other Sentiments than his, have been obliged, from the ill treatment and indecent language they received, and, from a thorough Conviction that it was impossible any thing would be done for the benefit of the Province, either to decline Attendance, or resign.

The Suspension of Mr. Wegg, the late Attorney General, whose conduct in the Execution of his Office has deservedly gained him a general Esteem and Approbation, and the late Attempts to suspend our worthy Chief Justice Mr. Clifton, give us strong and frightful Ideas of his Despotism.

That, as no steps had been taken for the Benefit or Welfare of the Province by the Governor & Council, and the Province being in a deplorable Situation, the Grand Jury, in february last, did present a Memorial to his Excellency, intreating him to call an Assembly, which he has refused.

From the above you may easily judge our Situation, which is deplorable, & which daily becomes more alarming and insupportable, and pobably will end in the ruin of this Province; Therefore we, as British Subjects, should think ourselves unworthy of that Name, could we any longer submit without making it known.

The above are but a few of the many Grievances, but they are sufficient to make us sensible, that we do not enjoy those Blessings, which we are intitled unto by our unequalled and happy Constitution, and the Intentions and Desires of our most Gracious Sovereign.

The Trade, Advancement and Interest of this Province have ever been nearest our hearts, and have been our utmost Aim. This Province has, as a frontier, many natural Advantages, which, if persu'd, would greatly benefit the Mother Country; we are still desirous of remaining here, but we cannot determine long so to do; for here, our Characters are subject to the most infamous and cruel Aspersions; Here Despotism presides; Here all Laws are trampled on, or wrested to the most arbitrary Purposes, to overwhelm the Victims of one Man's displeasure; Here, Our Lives, Liberties & Properties are indangered by the removal of their Supporters, the Opponents of Oppression.

We are well assured, that when their Lordships shall make these Matters known to his most Gracious Majesty, they will be amply redressed, and that we may yet enjoy, under His Auspicious and Glorious Reign, those Blessings we are born to, as British Subjects.

We are, with the greatest Respect,
Sir,
Your most obedient
humble Servants,

Cooper Frank.
John Thompson.
Benj: Ware.
Patrick Morgan.
William Satterthwaite.
Mathew Lyons.
John Bea.
Arthr Neil.
John Croyer.
Daniel Ward.
A. Solomons.

John Watts.
James Noble.
Alexander Moore.
John Misdale.
James Ross.
Wm Williams.
Samuel Benniworth.
Wm Marshall.
John Gredenigo.
Jerome Matulich.
David Ross.

John Pownall Esq

Endorsed. Copy of a Letter from—several of the Inhabitants —of West Florida to John—Pownall Esq^{r} Secry to the—Lords Commissioners for—Trade & Plantations,—dated April 1766. No 54.

From Governor Johnstone to John Pownall.

Copy.

Pensacola, July 19th 1766.

Sir,

I have the Honor of transmitting to the Board of Trade, Copies of Sundry Letters which have pass'd on the public Service, which Letters will Explain the Several Subjects to which they Refer.

Mr. Ulloa[1] was pleased to send Don Antonio Felix Reisch his Secretary here, to notify his Arrival, and who has made the most Brilliant appearance which Pensacola has yet seen: He was extremely sorry for his Mistake concerning my Command; I have made Choice of Mr. Jones, the most reputable man among us, to make my Compliments in return, which I am told is a Ceremony, that the Spanish Punctilio could not dispense with.

The fate of new Orleans is nevertheless still uncertain: Mr. Aubry wishes to deliver it & Mr. Ullona will not accept of it, or at least they play this Farce with the Public. Mr. Ullona has been Examining every part of the Province, as narrowly as a Jew does his Bride, & still seems in doubt; He is undoubtedly a man of Indefatigable Genius & Industry, tho' there is something Piddling in the Mechanical Part.

I have given Mr. Jones Bills on Mr. Ellis for One hundred & twenty Pounds to be placed to the Contingent Account, & to be Negotiated at new Orleans. When they arrive, I hope the Board will order them to be Honored, there is a Letter of Advice Accompanying Each Bill.

I am most respectfully,
Sir,
Your most obedient and
most humble Servt,
Geo: Johnstone.

Jno Pownal Esqr

Endorsed. Copy of a Letter from—George Johnstone Esqr—Govr of West Florida,—to John Pownall Esqr Secry—to the Lords Commissioners—of Trade & Plantations,—dated Pensacola July 19.—1766.—No 55.

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[1] Antonio de Ulloa, Spanish Governor of Louisiana.

From Mr. Ulloa to Governor Johnstone.

(*Spanish Vresion.*)

Copy. Nuevo Orleans 1s de Abril 1766. [This is a careful Transcript with all errors, as in the volume.]

Exmo Sr

Mui So mis Con el fin de tomar possession de esta Colonia en nombre del Rey mi Amo Clegue aqui el Dea 5 del mes pasado peno (should be Llegue) necesitando reconocer la antes de dar otro paso no se ha efectuado hasta el presente y antes de todo ha determinado pasar a reconocer quanto pueda de su Extension para formar idea del estado en que se halla y poder con aste Conocemiento dar principio a los assumptos de su Governio.

El principal Atention sera concurir a quanto sea del agrado de V. Exa tanto par loque respecta a le que me mereien las reabradas Prendas de su Persona quanto parque debo no excusar me al bien comun de los dos Naciones y a que veine la Pay y la buena Ami Stad pues con ella debimos prometer nosque todo ira bien En esta Intelligencia puede V. Exa viver y que me hallara prompto a quanto se le ofresca y contemplare puede pender de mes Facultades El Cavallero General de esta Colonia Mr Aubry cuios Talentos y acertadas operaciones no las ignoraxa [not clear, may be r] V. Exa no mo dixa que hacer por el prompto haviendo por su parte concurrido a la quietud de los Salvages y a que por su parte del Commandante de su M. Britanica se allanen las Difficultades que havia en los Illinoises yo espero que en adelanto no se ofreceran a tras pero se sucediere despues de tomada la Posesion de la Colonia concurere mui gustoso a quanto sea necesario y experimentara V. Exa entonces la sinceredad de las ofertas qui aora le trenda mi debeda atencion.

Para que mas vivamente ensenuera V. Exa en los deseos qui me asisten de servir le y complacer le despacho a mi Secretario Dn Manl Pheliz Riesch quien es que pondra esta en sus manos no Clevando otro asumpto que el de manifester le las veras de me fel voluntad y conducer me a su regreso muchos preceptos de su agrado los que le ruego no dixe de conceder me

Nro Sor y, de &ca (signd) Anto de Ulloa.

Primerose Thomson Secy

From Mr. Ulloa to Governor Johnstone.

(*English Translation.*)

New Orleans 1st April 1766.

Most Excellent Sir,

I arrived here the 5th of last Month with an Intention to take possession of this Colony in the name of the King my Master, but it being necessary to examine into the Country before any other Step is taken, nothing has been yet done. I am however determined in the first place to take a View of the whole extent of the place, in order to form an Idea of its Situation, and from such a Knowledge to be able to make a beginning in the affairs of its Government.

My Chief Aim shall be that of concurring to do your Excellency every pleasure in my power, as well with respect to your own worthy Qualifications, as that I cannot be wanting in any affair that may regard the common good of both nations, as also that peace and good Friendship may always be supported, and in this Light we should propose to ourselves, that every thing will go on well, of which your Excellency may rest assured, and that you will always find me ready upon every occasion, as far as may depend upon my Faculties. Monsieur Aubry the General of this Colony (whose Talents and well-timed Proceedings must be well known to your Excellency) has left nothing for me to do at present, having on his part done the needfull in reducing those Savages, & the Commanding Officer for His Britannic Majesty has remov'd all the Difficulties in the Illinois. I hope that for the future the like may not happen, but should it fall out otherwise hereafter, and that I am possessed of this Colony, I shall with pleasure assist in every measure, that shall be deemed necessary, in that Case your Excellency would have a Tryal of the Sincerity of the Offers, which with due attention I now make.

That I may with more Spirit persuade your Excellency of my wishes to serve and do you a pleasure, I send my Secretary Dr Manl Phelix Riesch, who is to deliver this into your hands, his sole Commission being that of explaining to your Excellency the Truth of my sincere good will, and on his return to bring me back a great many Commands of your Excellency's pleasure, which I pray you'll please to grant me.

God grant your Excellency may live many years, &c^a^

signed, Antonio De Ullua.

His Excellency George Johnstone
Governor General of all West Florida.

A Copy of the translation which accompanied the Letter.

Primerose Thomson Sec^y^

Endorsed Copy of a Letter (and the—Translation), from His Excellency Don Antonio D'Ullua to Governor—Johnstone, dated April—1766.—N^o^ 56.

From Governor Johnstone to M. Aubry.

Copy.

Pensacola 3^d^ May 1766.

Sir,

It is impossible for me, notwithstanding the many favorable Impressions which Mr. Ullua's Character conveys, to think of the approaching Change of Government at New Orleans, without feeling that Sorrow, which the Loss of so friendly a Neighbor must produce in every Breast, susceptible of the Gratitude which good Offices ought to Command.

The whole of your Conduct towards every British Subject, has been so generous and upright, that I must acknowledge, that even the most Jealous and discontented among us are ready to render Justice to the Benevolence of Mr. Aubry.

That you should endeavour to inculcate the same faithfull Sentiments to Your Successors is more than could have been expected from a less perfect Character; but which must further serve to evince the Truth of that Maxim of De Wit, "That no Difference in Situation can affect the Conduct of Men, who act from the principle of real Virtue."

The pleasure I have received from the Company of Don Manuel is disturbed from the short time I have been permitted to enjoy his Company; and also, from the disagreable Reflection of the pain he has suffered, and is likely to suffer, in returning thro' Our trackless Woods.

All these Circumstances do undoubtedly heighten the honor, which is done me by Mr. Ullua, of which it is impossible that any Man can be more sensible.

I beg leave to offer my sincerest Wishes, that every Reward, due to your Merit, may constantly attend You, and that you will believe there is no one on Earth who has an higher Sense of it, than,

Sir,
Your most obedient and
most humble Servant,
(signed) George Johnstone.

A Monsieur
Monsieur Aubry
&c^a^ &c^a^ &c^a^

Primerose Thomson Sec^y^

Endorsed. Copy of a Letter from—Gov^r^ Johnstone to—M. Aubry, dated—Pensacola 3 May 1766.—N^o^ 57.

From Governor Johnstone to Don Antonio D'Ullua.

Copy.

Pensacola 3^d^ May 1766.

Sir,

I shall ever esteem it as the most engaging Circumstance of my Government, the very elegant manner in which Your Excellency has been pleased to communicate to me Your Arrival in Louisiana. There is a Fineza in the whole, that obliges me to borrow a word from your Language, to express my Sense of it.

Altho' in reflecting on the Beauties of Lima, I dare hardly venture personally to congratulate your Excellency on the present Change; Yet I beg leave to felicitate the Inhabitants of both Provinces on that Event.

The lasting Obligation, which I must ever owe for the Acquaintance of Don Manuel, demands my particular Acknowledgments. He is indeed one of those Characters who make us feel, at the first Appearance, our own Imperfections, and the engaging Effects of good Breeding in the Company he has kept.

If I have failed in any manner in testifying the Respect, which was due to Don Manuel here, I beg you will impute it to the few Opportunities, which an Infant Settlement affords, and not to any want of a sincere Inclination to express, by every means, my lively Sense of the Honor, that was done me by his Presence here.

I am extremely rejoiced to find the Ideas of Your Excellency, respecting the Interest of Our Provinces, so correspondent to those of Mr. Aubry and my own. I am perfectly persuaded, the prosperity of the one Colony must draw along with it the prosperity of the other; and therefore I heartily pray for the flourishing Situation of both; happy to find, since the vicissitudes of this World are likely to deprive us in future of the good Offices of Mr. Aubry, that he is succeeded by one, whose benevolence of Mind can equally embrace a wish for the Happiness of the whole universe, and whose enlarged Thoughts are far above the little Jealousies of Commerce, or those national Prejudices, which have so much disgraced even the ablest Politicians in the Times past.

In a Word, our own Happiness, & the Peace of the different Provinces intrusted to Our Care, seem to me to depend on a sincere Resolution cordially to unite in mutual good Offices, and neither to become the Dupes of the Indians, nor the Indian Traders, who are more savage than them.

The great Intent of distinguishing the Boundary Line of Empire by notorious Limits, was, to prevent the Evil Consequences, in the Interference of both Nations among those Barbarians. The last War began on the Rights, which each Nation claimed of trading on the Ohio or Belle Riviere. The present Limits have rendered any Disputes on that Subject impossible.

If any of the French have nevertheless obstinately prosecuted this Trade within Our Limits, I am persuaded it is within the Knowledge of Mr. Aubry, whose Generosity and good Faith every British Subject is bound to revere; and I am equally Confident Your Excellency, when they are become Subjects to the Crown of Spain, will afford them no Countenance. So on the other hand, if any of His Britannic Majesty's Subjects shall trespass on the Right of the Mississippi, I shall equally rejoice to hear they are chastis'd.

This Complaint is not made on Account of the Profits of that Commerce, which can hardly be considered in a national View, and whose Profits at any Rate, from the high price of Skins, must center at present in New Orleans; but on Account of the Evil Impressions, which those Savages are liable to receive from the rudest of Mortals.

I beg leave to assure Your Excellency, that nothing shall ever be wanting, on my part, to fulfill on all Occasions, the Sentiments of Esteem and Respect, which I have long possessed in Favor of the Spanish Nation, but particularly towards one, who has done the most Honor to that Country, and the most essential Services to Mankind.

I am with a perfect Respect,—Sir
Your Excellency's —most obedient and
most humble Servant
(Signed) George Johnstone.

His Excellency
Don Antonio D'Ullua
&c^{a} &c^{a} &c^{a} Copy—Primerose Thompson Sec^{ry}
Endorsed. Copy of Governor—Johnstone's Letter to his—Excellency Don Antonio—D'Ullua dated Pensacola—3^{d} May 1766.—N^{o} 58

From M. Aubry to Governor Johnstone.

(Copie).

(French Version.)

Monsieur,

Quelques Habitans de ce Pais ayant des Negres Deserteurs a la Mobile ce dont j'ai l'Honneur de vous envoyer l'etat ci-joint, Je prens la liberté d'ecrire cette Lettre a votre Excellence pour la supplier de vouloir bien ordonner qu'on les rende. Je crois que c'est un bien reciproque pour nos deux Colonies de serendre mutuellement les Esclaves qui pourroient deserter. A mon Egard J'ai l'honneur d'assurer Votre Excellence qu'aussitôt que Je serai informé qu'il y en aura de la Mobile ici, Je les ferai rendre avec la plus grande Exactitude. Le Sr Brazilier a qui Je rende cette Lettre est du Nombre de ceux qui ont des Esclaves Marrons. S'il a le Bonheur de les trouver, il payera tout ce qu'on ordonnera a ce Sujet.

Je m'etois flatté, Monsieur, de partir pour la France peu de Temps apres l'Arriveé des Espagnols; mais comme Monsr De Ullua ne veut prendre Possession de ce Pais que lors qu'il en aura une Connoissance très exacte, Je suis forcé de rester ici plus long Tems que Je ne pensois, Depuis que Je commande cette Colonie, Je ne pas laissé d'avoir de la Peine, et des Embarras, mais Je puis assurer votre Excellence, que J'en ai presentement plus que je n'en ai eu de ma Vie.

Je pars dans l'instant pour aller visiter avec Monsr le Governeur Espagnol Le Lacs Borgne, Portchartrain, et Maurepas; je pense que le Soleil et les Maringouins nous tourmenteront beaucoup.

Je suis bien sensible a La Lettre obligeante; que Votre Excellence m'a fait l'honneur de m'ecrire; je la garderai precieusement aussi bien que toutes celles dont vous m'avez honoré. Je souhaile a Votre Excellence une Santé parfaite, et J'ai l'honneur de L'assurer, que personne n'a plus de Respect, d'Estime, et de Consideration pour votre Excellence.

Monsieur
Le très humble et très
Obeissant Serviteur
(Signé) Aubry.

Nelle Orleans.
Le 3 Juin 1766.

Une Copie.
Primrose Thomson Secry

Endorsed. Copy of a Letter from—M. Aubry to Governor—Johnstone, dated June 3.—1766.—No 59.

From M. Aubry to Governor Johnstone.

(Copy) *(English Translation.)*

Sir,

Some of the inhabitants of this country having Negro deserters in Mobile of whom I have the honour of sending you a statement herewith, I take the liberty of writing this letter to your Lordship to beseech you to please command that they surrender them. I believe it is a reciprocal advantage for our two Colonies mutually to surrender the slaves that may desert. As regards myself, I have the honour of assuring your Lordship that as soon as I am informed there are any here from Mobile, I shall surrender them with the utmost strictness. Mr. Brazilier to whom I am delivering this letter is numbered among those who have runaway slaves. If he has the good fortune of finding them, he will pay all that may be required in this case.

I had promised myself, Sir, to leave for France shortly after the arrival of the Spaniards; but as Mr. De Ullua will not take possession of this country until he has a thorough knowledge of it, I have been forced to remain here for a longer time than I had anticipated. Ever since I command this Colony I have not ceased to have pain and embarrassment, but I can assure your Lordship that at present I have more than I ever had in my life.

I am leaving this instant to go on a visit with the Spanish Governor to Lakes Borgne, Portchartrain and Maurepas; I think the Sun and the musquitoes will bother us considerably.

I am highly gratified with the kindly letter which your Lordship has done me the honour of writing to me; I shall hold it most dearly as well as all the others wherewith you have honoured me. I wish your Lordship perfect health, and I have the honour of assuring you that no person has greater respect, esteem and regard for your Lordship.

Sir,
the most humble and most
obedient servant,
(Signed) Aubry.

New Orleans,
the 3rd. June, 1766.

One Copy
Primrose Thomson, Sec'y.

From Governor Johnstone to Don Antonio d'Ullua.

Copy.

Pensacola 19th June 1766.

Sir,

To testify in some Measure my perfect Sense of the honor you did me, in sending Don Manuel here to notify Your Arrival in Louisiana, I have chosen Mr. Jones, whom I esteem among the most Worthy Men of this Colony to pay my Duty to Your Excellency in Return.

I have nothing particular to offer further than what I expressed in my former Letters, desiring always, from Reason and Inclination, the most perfect Agreement between the Colonies intrusted to Our Care.

I flatter my Self that this was the Object of Mr. Aubry, as well as my own; and I am equally confident it will be that of Your Excellency. In the promoting of which, you may always depend upon the most faithfull Endeavours of,

Sir,
Your sincere and most
obedient humble Servant,
signed. George Johnstone.

His Excellency
Don Antonio D'Ullua.

Endorsed. Copy of a Letter from—Governor Johnstone to—His Excellency Don—Antonio d'Ullua,—dated Pensacola June—19th 1766.—No. 60.

From Governor Johnstone to M. Aubry.

Copy.

Pensacola 2d July 1766.

Sir,

I had the honor of receiving your Letter of the 3d of June, by the way of Mobile, respecting some runaway Negroes from new Orleans, when at the same time were transmitted to me applications from Lieutenant Governor Browne and Mr. John Macgillivray; the first setting forth "that a Negroe Slave belong-"ing to the said Lieut Governor Browne, had deserted to new

"Orleans, and had been received on Board a Spanish Frigate "lying there; from whence the said Negro was refused to be "delivered up, upon the Application of Mr. Macnamara, not-"withstanding Mr. Macnamara was empowered to demand "him by Lieutenant Governor Browne, his Master". The second from Mr. Macgillivray, setting forth, "That four Negroes and "a Mulatto Man, (which Mulatto had sold his Service for a "Term of Years) had deserted in a Boat in order to go to new "Orleans; that by a northerly wind they had been forced "without the Islands; that thereafter they were drove in the "greatest Distress for want of Provisions on the Chandeliers "contiguous to the Balize; That three of the persons had "expired under the hardships they had suffered, and the Mulatto "and one Negro only had survived, who had been conveyed "by a Frenchman to New Orleans; That the said Frenchman had "obtained an Order from Mr. Foucault for seventy Dollars, as "Charges (including Salvage) on the said Negro; and that the "Mulatto was refused to be delivered up, on any Account what-"ever". Both applications concluding with requesting that I would not permit the Negroes, Deserters from New Orleans, now in Custody at Mobile, to be delivered up, until reciprocal Justice had been rendered them. It is impossible for any Man, in either Colony, to consider, for a moment, this Subject of returning runaway Negroes or Mulattos, not to see the mutual Advantage it must be to both Provinces to adhere strictly to this Regulation; and therefore if you had not expressed yourself upon this Subject so clearly as you have done, I could have trusted to your Equity and good Sense, that such was your Opinion. From whence I am persuaded, the only Reason, why Lieut. Governor Browne and Mr. Macgillivray have had Occasion to complain with regard to their property, is owing to the Matter never having been laid before you.

The Case of Governor Browne's Slave seems so clear, that I cannot suggest an Argument to be framed for detaining him, if Restitution on both Sides is admitted.

Respecting Mr. Macgillivray's property, it is indeed possible for a very able Lawyer to form a distinction without a Difference in his Case; but I must declare it is the first time I have ever heard of a mere Layman asking Salvage for a Living Soul; and that I humbly apprehend it is entirely contrary to the 26th. Article of the maritime Laws of Oleron, and further that it would be, in some Measure, a Deviation from the established Humanity of the French Nation. With regard to the Mulatto, as he had sold his Liberty for a certain Term, (a thing which is permitted in our Colonies) he surely must be considered during that period, as the property of his Master, as the Contract specifies.

I should not have the least doubt, if I acted as a private person, of trusting to your Generosity, in now sending back to New Orleans the Negroes, that are at present in Goal at Mobile.

But such is the Nature of Our Government, that after a public Representation from Mr. Browne and Mr. Macgillivray on this Subject, I cannot deliver them up, before equal Justice has been render'd to those petitioners, which I make no doubt, will immediately be done, when You are acquainted with the Facts, after which, I shall take the first opportunity of sending the French Negroes to New Orleans without any Charge. As there is nothing I wish more than to establish this point of mutual Restitution in the most expeditious manner & on the clearest Footing.

I am with a perfect Respect and Esteem,—Sir,
Your most obedient and—most Humble Servant,
A Monsieur George Johnstone.
Monsieur Aubry
&ca. &ca. &ca. Copy—Primerose Thompson Secy.

Endorsed. Copy of a Letter from Governor Johnstone to—Monsr. Aubry, dated—Pensacola July 2d.—1766.—No. 61.

From Governor Johnstone to Rev. Wm. Dawson.

Copy.

Pensacola 29 May 1766.

Sir,

I have received your Petition requesting Leave to return to Carolina for some time, as every necessary of Life is at present so dear in this Province, that you cannot maintain your numerous Family.

It is very difficult for me to give an Answer to this Request. I observe, on one hand, the Impossibility, that your Family can exist on the small Sum allowed by Government for the Discharge of your Functions; and on the other hand, it is certain, the Money granted by Parliament is intended to be spent in the Colony, and to be given to the person who performs the Duties of that Office.

In this Situation, the only Mean left for me to follow, is to give you leave to reside in Carolina, until His Majesty's Pleasure shall be known, You first recommending to me a proper Curate to officiate during Your Absence, and allowing him a sufficient Salary to maintain him with Decency in that Station.

I am induced to do this; merely in Consideration of your good Qualties, and that the Province may not in future be deprived of the Services of so deserving a person, when she shall be better able to reward his Merit.—I am with great Regard,—Sir,

—Your most obedient, humble Servant,
The Reverend William Dawson. (Signd) George Johnstone.
Minister of Pensacola. Copy—Primerose Thomson—Secy.
Endorsed. Copy of a Letter from—Governor Johnstone to—the Revd. Mr. Wm. Dawson—dated Pensacola 29th. May—1766. —No. 62.

From Governor Johnstone to Mr. Pownall.

Copy.

Pensacola 7th August 1766.

Sir,

I am sorry to acquaint The Lords Commissioners for Trade and Plantations, that I have been at Length forced to suspend the Chief Justice for our Province William Clifton Esqr. untill His Majesty's Pleasure shall be known on his Behaviour, a Copy of whose Charge I send inclosed.

Their Lordships will perceive, by my former Letters, how unwilling I was to take this Step. The immediate Cause, which obliged me to exercise this Authority at present, was a very singular Situation.

Mr. Clifton and Mr. Browne refusing to attend the Council, and Mr. Randall the Surveyor General being occupied about his own Affairs, I could neither form a Quorum of Members appointed, nor call in others, agreably to His Majesty's Instructions, And Mr. Bruce the Collector of the Customs, having an Appeal of a very difficult Tendency, upon which he could not sit, The Business of the Province must have stood still. It appeared to me, that Mr. Clifton could not, consistent with his Duty, withdraw from his Seat in Council, while he held his Office of Chief Justice. In this Situation of Things, I thought the most moderate Measure I could pursue was, first to send for Mr. Clifton, and publickly to acquaint him, I was willing to wait a Decision on his Conduct, if he would concur, in any Measure to carry on the Business of Government, and take his Seat in Council. Which he refused, in the most peremptory Manner. If Mr. Clifton had any Cause of Complaint, for any ill Treatment he had received, as a Member of the Council, his Business was to state it fairly before the Members, that it might be examined, and the proper Answer and Evidence annexed to it, By which alone His Majesty and Their Lordships can obtain Truth from these distant Parts.

This was the Mode in which I proposed to proceed in my Charge against Mr. Clifton. But instead of standing forth like a Man, and honestly endeavouring to refute the Articles on the spot, where the Facts can alone be examined, He immediately flies from his Seat in Council, and refuses to compear, and applies to the Soldiery, and the Mob, in privately stirring up abusive Memorials and all kinds of Disturbances, against the Civil Government. It is extremely probable, Mr. Clifton may be recommended by the Military and the lower Class of Inhabitants here. But I hope it will be remembered, that it is for supporting the one in their unjust Pretensions, and not correcting the abuses of the other, that I chiefly complain against him.

To shew the Moderation wherewith I proceeded with respect to this unhappy Minister of Justice. Notwithstanding he permitted Lieu^t Colonel Walsh to come into his Court, attended by as many Military Officers as were weak enough to go, and there to pronounce a Bombast Panegiric on My Lord Chief

Justice Clifton (as Mr. Walsh was pleased to call him), and an oblique Satire on the oppressive Governor; And notwithstanding he endeavoured to stain my Character by the most cruel Aspersion, in the Case of Lieutenant Governor Browne's Grant; And that the Majority of the Members of the Council called on me, with one Accord, to expell him the Council, and suspend him, as Chief Justice; Yet I prevailed on them to permit me to proceed with more Moderation, and, if it were possible, to wait a Decision from Home. For these Facts, I appeal to Captain Maxwell, who is now in England.

The particular Question, on the Appeal of Mr. Bruce, is too long to enumerate here; but in short, it is, Whether an Appeal will lie from the Verdict of a Jury to the Governor and Council?

I understand, the Point has been much agitated at New York, in the Case of Forsey and Cunningham. I think, by the King's Instructions, it will lie; but by the Common Law it cannot; I beg the best Information in future.

It was on this Cause I wished to have had the Opinion of Mr. Clifton; not so much for the bewildered Information he is generally pleased to give, as to prevent his stirring up Divisions in the Society, by taking any Side after our Decision.

The person, whom I have appointed to Officiate in the Room of Mr. Clifton, is Mr. William Lietch. I do not pretend to say he is qualified for so important a Trust, But he is the best I could get in the Society. And respecting sound sense, and Integrity, irreproachable. Considering how much depends on these Qualities and the Decision of the Jury, I am hopeful, we shall find no Interruption in that Channel of Government, until the friendly hand of the Mother Country can be extended towards us.

I must beg leave to observe, that Mr Clifton had endeavored to alter the Record of Court respecting Thackery & Painter, from his Influence over the Clerk of the Pleas, who lived with him, which obliged me to call the Council together, and fix the Truth, as by the inclosed Minute. I made the Examination public, which he durst not stand, and even his best Friends allow his ill Behaviour on this Occasion.

To demonstrate further, how far Mr. Clifton had carried his

Intentions of obstructing the Government of this Province, I have to acquaint Their Lordships, that on the very Day after Mr. Clifton's Suspension, Mr. Durnford was prevailed on by him to resign his Seat in Council; So that I was still obliged to delay the Course of Justice one Day longer, to get another Member, Mr. Jas. Thompson. Notwithstanding it is to be observed that in every Resolution concerning Mr. Clifton. Mr. Durnford had constantly given his opinion against his Conduct.

I am with the greatest Respect,
Sir,
Your most obedient and
most humbl Servant
Geo. Johnstone.

John Pownall Esqr
Secry to the Right Honorable
The Board of Trade.

Endorsed. Copy of a Letter from—George Johnstone Esqr,—Governor of West Florida,—to John Pownall Esq:—Secretary to the Lords—Commissioners for Trade—and Plantations, dated —Pensacola Augst 7th 1766.—No 63.

Charge against Chief Justice Clifton.

Copy.
West Florida.

The Charge against William Clifton Chief Justice of His Majesty's Province of West Florida, by George Johnstone, Governor in Chief of the said Province.

Art. 1st. For that he the said William Clifton on the 6th day of February 1765, during the Enquiry into the Conduct of James Macpherson, on a Complaint exhibited against him the said James Macpherson by the Officers of His Majesty's 35th Regiment, for issuing his Warrant, for apprehending a Soldier in the said Regiment, without acquainting the Commanding Officer, he, the said William Clifton, did give his Opinion in Council, "that no Warrant of a Justice of the Peace for this "Province could legally be executed upon any Soldier within "this Garrison of Pensacola, without notice being first given to "the Commanding Officer of the Regiment, Troop or Company, "to which such Soldier did belong". Which Opinion was not only contrary to Law, and derogatory to the Office which the said William Clifton then held and now holds, but was also the Occasion of great Disquiet in the Community, and was evidently given to support Faction, and promote Disturbance.

Art. 2d For that the said William Clifton, after the clearest Evidence being given before him of Bodily fear being impressed, and a notorious Robbery committed, on certain Tuckabatche Indians, did dismiss the Aggressors without further Enquiry or Recognizance, whereby the Savages were led to conceive the most detestable Notions of Our Justice; And which Behavior in the said William Clifton had nigh been the Occasion of the Murder of many innocent persons, as well as the Occasion of a War with the Creek Nation.

Art. 3d For that the said William Clifton did declare (upon the Complaint of James Bruce Collector of His Majesty's Customs at this Port of Pensacola, when he was resisted, as well as his lawfull Deputy, by Men in Arms, from entering into a Vessel in this Bay, in the due execution of their Duty, and upon the clearest Evidence, and the persons concerned therein being brought before the said William Clifton,) "That there was no "Cause of legal Prosecution; and that he neither could nor would "do any thing further in these Affairs; for that he did not apprehend, that Captains or Officers of Men of War came within the "meaning of those Acts of Parliament made for preventing "Obstructions being given to the Officers of the Customs in "the Execution of their Duty." Whereas no Declaration could be more untrue, or any Assertion more Injurious to the Government of this Colony, or more unworthy of the Trust His Majesty had reposed in him, the said William Clifton.

Art. 4th For that the said William Clifton, upon a regular Complaint being made to him by John Davenant, on or about the 9th of September 1765, concerning a cruel and violent Breach of the Peace being made on the person of the said Davenant by a common Soldier, and which Complaint was also authenticated by the Evidence of John Stephenson, did declare, "that the previous Examination of these Facts did not belong to his Office, "as Chief Justice of West Florida; and therefore that he, the "said William Clifton, could give no Redress to the Complainant." Whereas no Declaration could be more contrary to his duty, who ought to be considered, next to the Governor, the principal Conservator of the Peace within the Province, and ought at all times to be ready to examine into any Breach thereof.

Art. 5th For that the said William Clifton did give his opinion in Council, "that no personal Restraint whatever could be imposed on any person within this Province, in Consequence of "the Breach of any Rule or Order, which the Governor, with the "Advice of the Council, could make, for the peace or good Government of the Community." Whereby the principal Powers in His Majesty's Commission and Instructions, for the present Government of this Province, were rendered ineffectual. Because every power of making a Regulation, must carry along with it the power of enforcing the Execution. And no public Regulation can be carried into Execution, without a Power of imposing personal Restraint on the ultimate Refusal of Obedience to any Mulct or Fine, which may be imposed by virtue of such Regulation, or in Case of Resistance, or in Case of neither Goods nor Chattels to be found belonging to the Aggressor.

Art. 6th For that the said William Clifton has frequently since the above Declaration, in Support of his opinion, alleged, "that "by the Law of England no Man can be publickly whipped, for "any Offence, by the Sentence of any Justice or Justices of the "Peace, unless the said person, so to be punished, had been convicted by a Jury of his Peers." Whereas no declaration can be more contrary to the established Laws of England; nor could any Declaration tend more thoroughly to prove either the Ignorance of the said William Clifton concerning those Laws, or his Inclination, that they should not take place for the Benefit of this Society. Whereby the several Justices have been deterred from executing their Duty, and those lesser Crimes, which are in Great Britain checked by their Authority, have multiplied amongst us.

Art. 7th That the said William Clifton, upon an Arbitration submitted to him and Governor George Johnstone by the Attornies of John Kennion and Horsefall and Noble, had behaved in a manner totally unworthy of the Character either of a Man of Jus-

tice or Equity, by refusing, after a long, tedious and expensive Examination, to deliver his Opinion on the principal Subject which was submitted, whereby it evidently appeared, the whole Pretence of Arbitration, was wholly to protract Time, and involve in a further Confusion the most wicked and bare-faced Transactions, which had ever been attempted to defraud Individuals.
Art. 8th For that the said William Clifton, did advise the Governor to send Robert Harley to Jamaica to be tried, alleging that, as the Man of whose Murder he was accused died on Ship Board, tho' within the Harbor of Mobile, that the common Law could not take Cognizance thereof. Whereas no Assertion could be more untrue, or serve more thoroughly to prove the imperfect Notions, which the said William Clifton entertaineth thereof.
Art. 9th For that the said William Clifton did take upon him, on the Trials of Richard Painter and Paul Thackery, after the Jury had agreed on their Verdict, and had delivered the same sealed unto him, the said William Clifton, as their actual Verdict, and after they had severally dispersed, the said William Clifton did, on the assembling of the said Jury on the day following, produce fresh Evidence on the said Cause, from which the said Jury were induced to alter their former verdict given before Separation as "Guilty" into the Verdict "not guilty", whereby every principle of Justice, in the proceeding of Trials by Jury, was violated; because when the Evidence is once closed, and the Jury empannelled, no fresh Evidence can be produced, neither can the Verdict given before separation be altered: but in Case any favorable Circumstances should thereafter appear, they must be applied for obtaining the Mercy of the Crown, which is the only Relief, after the Verdict is agreed on and delivered.
Art. 10th For that the said William Clifton did take upon him, notwithstanding the clearest Evidence ascertaining various Crimes, to discharge Lieutenant Colonel Ralph Walsh, declaring upon the Record, there was not the least Colour or Pretence of any legal Prosecution. Which was the most partial and illegal Decision (where an actual Breach of the peace had been sworn) and the reasoning thereupon in the Decision the most absurd that ever was offered by any person in a public Character of distributing Justice. For it is there said, "That the Dispute

"arising about authority, and both pretending to derive it from "the same Source viz^{t} The King, it can only be determined by "His Majesty, or General Gage," which is, in the first place, the greatest affront to His Majesty, in presuming to say, that General Gage can determine upon the Authorities which he has been pleased to communicate; And next, on the Law of the Land, in presuming to say, that General Gage his opinion, can affect it's Influence; or that any dispute concerning Authority is not cognizable by it (the Law of the Land,) when most undoubtedly all powers, from whatever Authority derived, are properly cognizable and determinable. And therefore in the present Case, this Law must be the most competent Judge in the different Pretensions for Power (in which all Convulsions in Government consist,) which was real and Constitutional, and which pretended and delusive.

Art. 11th For that the said William Clifton, in the Case of Lieutenant Colonel Walsh, was guilty of the most notorious Chicane, that ever was offered to common Sense. For after being present in Council, when it was agreed, the said Lieutenant Colonel Walsh should be carried before him, the said William Clifton; and after walking to his House accordingly, in Company with the said Colonel; and after the said Colonel sate in his Presence two Hours, during the Time the Governor was giving his Information; and after the Governor had sworn to the said Information; and after the Provost Marshall had shewn the Chief Justice the original warrant for apprehending Lieutenant Colonel Walsh, whereon is wrote the following words: "The "ordinary Course of Justice being now open, You will carry the "Body of the said Ralph Walsh before William Clifton Esquire "Chief Justice of His Majesty's Province of West Florida, where "I am likewise proceeding to make affidavit of the Crimes he "has committed; for which this shall be your Warrant; and from "which Time of your Arrival before the said William Clifton, "this Warrant to be discharged." The said Chief Justice did, nevertheless, sign a Writ of Habeas Corpus, which was wrote in his own House two Hours at least after the Body of Colonel Walsh was in his Presence, and did not pass Order thereon 'till four Hours thereafter; All which Proceedings are an Affront to common understanding; and could only be calculated to deceive those at a Distance, which was in every manner below the Actions of a Man in the sacred Character of a Judge.

Art. 12th For that he the said William Clifton did take upon him, in the Case of John Hannay Complainant against Macfaddin, for a forceable Entry by the said Macfaddin into the House of the said John Hannay, one of His Majesty's Council for this Province, and also Register thereof and in which House all the publick Registers are kept, and upon the Presentations of which Registers in a great Measure depends the Security of the Property of every Man in this Country, notwithstanding the said Crime was clearly proved, to dismiss the said Macfaddin on his own Recognizance for twenty pounds; and this without taking notice of the principal Abettor Lieutenant Colonel Walsh, who was present during the Examination of Macfaddin, and who appears on the Evidence, as well as the Examination, to have been the original Promoter of this unjustifiable Act.

Art. 13th For that the said William Clifton, further to shew his partiality, Ignorance and Absurdity, did, contrary to the known Forms of the Law in those Cases, swear the said Macfaddin to his own Examination, whereby he was led to commit several Perjuries.

Art. 14th For that the said William Clifton, contrary to the Law of the Land & private Faith, did take upon him to detain in his Custody the Warrant of his Excellency George Johnstone, Governor and Chancellor of West Florida, for the apprehending of Lieutenant Colonel Walsh, which had been shewn to him William Clifton, at his particular Request, to compare with the attested Copy, by the Provost Marshall of the Province, to whom it was directed, to whom it does belong, and with whom it must remain, until a regular Order of a competent Court or Judge shall call it thence. Whereas the said William Clifton has both refused a regular Order or original Paper, whereby the said Provost Marshall is deprived by the Arbitrary Injustice of the said William Clifton of the regular Voucher for his Conduct, which he ought in due Form of Law to possess.

Art. 15th For that the said William Clifton eager to impede every just purpose of Government, and relying upon the Vain and untrue Assertion of Lieutenant Governor Browne, had taken upon him, the said William Clifton, in the Presence of the Council, to aver the most notorious untruth, which conveyed with it the most injurious Reflection on the Character of the Governor, by averring in the most indecent manner, in Contradiction to the Assertion of the Governor, that a Grant of Land, which his Excellency had produced as the Identical Grant signed in the preceding Council, was not the same Grant. In which Case, either the Governor, or the Secretary of the Province must have been Guilty of both lying and Forgery. The contrary of which was indeed the Truth, And the Accusation must therefore turn on the persons, who proposed it, with such Violence.

Art. 16th For that the said William Clifton has taken every Opportunity of debasing the regular Authority of the Governor and Council as established here by His Majesty; First, by declaring, that the Members thereof are not entitled to protection in their persons from Civil persecutions, or to any other privileges as Exemptions from the Law; except when they were actually in Council. Secondly, by declaring, the Governor and Council had not a power of calling any person whatsoever before them, either to give Evidence in Matters concerning the peace and good Government of the Province, or to answer for their Conduct in any public Capacity; Insinuating at all times, that by the 16th of Chas 1st Chap: 10th they could only be a Board of Advice, and consequently every power necessary for obliging people to compear was taken from them. Whereas nothing can be more contradictory to His Majesty's Instructions, Art: 2d & 11th, or more contradictory to the true spirit of the Act regulating the Privy Council, and for taking away the Court commonly called the Star Chamber. For by Art: 2d & 11th of His Majesty's Instructions it is evident, they are to be considered in a Legislative Capacity, and as the Superior Court, to superintend and regulate public Affairs. In which Case, without a power of obliging all persons whatsoever to compear, and give Evidence in Matters concerning the Safety, Peace and good Government of the Province, their purposes could not be fulfilled; neither without such a power can any superior Authority exist in any Community. That the very reasons for abolishing the Court of

Star Chamber and regulating the Privy Council, prove this. For the reasons, upon which those Acts were made, set forth, "That as there was a superior Power in the Nation, that of the "Lords and Commons, to regulate Extraordinaries; and, all "ordinary Events being comprehended under the established Law "of the Land, therefore the Exercise of an useless power must "be Grievous." Whereas, respecting our Situation, there is none other power to regulate any public Matter, except the Governor and Council, for the present. And no person will allege, that we do not want many public Regulations, such as a Militia, Regulations as to indented Servants, Regulations as to Slaves, Regulations for a Market, Punishments for burying the Dead otherwise than in the Ground appropriated for that purpose &ca &ca &ca And yet it is impossible for any Man to shew, how those or any other Regulations can be enforced without a Penalty, or how that Penalty can be raised without a power of imposing personal Restraint, on the ultimate refusal of Obedience.

Art. 17th For that the said William Clifton on the 26th day of May, 1766, upon a Complaint being made to him by the honorable James Bruce, that the said James Bruce had detected a Horse, which had been stollen from him some time in December 1765, at the House of Mr. James Noble where the said William Clifton resides, in the possession of a vagrant Mulatto, which Mulatto refused to deliver the said Horse to the said James Bruce, notwithstanding the said James Bruce claimed the said Horse as his property, and desired to produce several credible persons before the said William Clifton to prove his property; and notwithstanding the Mark of the said James Bruce was actually upon the said Horse, and the said James Bruce offered to bring the Iron with which the said Horse had been publickly branded; In short, notwithstanding the said James Bruce offered to produce every Evidence which the Law of the Land directs, to prove his said property; that nevertheless the said William Clifton absolutely refused, as a Magistrate, to take any Cognizance of the Affair, and told the said James Bruce, he must raise an Action against the said Vagrant at common Law; altho' the said William Clifton at the same time refused even to take the Affidavits of the said James Bruce, and the sundry persons he had brought to prove his property, which was the only means that could enable the said James Bruce to raise an Action against the possessor, more especially, as the said William Clifton was the only Magistrate at that time in the Town of Pensacola. And further, that in order effectually to prevent any Action at common Law, in a few Minutes after the aforesaid Application had been made to the said William Clifton the said Horse was hurried away by the said Mulatto, in the Sight of the said James Bruce, from the said House where the said William Clifton resides, to Mobile, with Despatches from the said William Clifton; and that the said Mulatto or Horse never have been since seen by the said James Bruce.

Art. 18th For that the said William Clifton, on the 26th day of May, 1766, did refuse to take his Seat in Council, notwithstanding the Governor in Council requested him so to do, as several points of Law were then to have been considered; and notwithstanding the Governor and Council acquainted the said William Clifton of their unanimous Opinion, that agreably to His Majesty's Instructions Art: 2d it was improper for the said William Clifton to resign his Seat in Council, while he held the Office of Chief Justice, which were inseperably connected.

For all which Misdemeanors I George Johnstone, Captain General and Governor in Chief in and over His Majesty's Province of West Florida, Chancellor and Vice Admiral of the said Province &ca &ca &ca have thought it necessary to suspend the said William Clifton from the Execution of the Office of Chief Justice of His Majesty's Province of West Florida, until His Majesty's Pleasure shall be further known, and he is hereby suspended from the Execution of the said Office accordingly.

Given under my Hand and Seal at Arms at Pensacola this 23d day of July 1766, in the Sixth Year of His Majesty's Reign.

(sign'd) George Johnstone.

By Command of His Excellency,
signed Primerose Thomson Secy

Endorsed. Copy of Govr Johnstone's—Charge against William —Clifton Esqr Chief Justice—of West Florida.—No 64.

Minutes of Council Proceedings.

Copy.

Minutes of a Council held at Pensacola.
the 26th May 1766.
Present
His Excellency Governor Johnstone.

The Honble
James Bruce.
Elias Durnford
Jacob Blackwell
John Hannay
William Randall
William Leitch
Esqrs

His Excellency the Governor read the second Article of His Majesty's Instructions, directing that the Surveyor General, of the Customs in the Southern District for the time being, should be a Member of His Majesty's Council for this Province.

William Randall Esqr Surveyor General took the Oaths, and was admitted accordingly.

The Governor then informed the Council, that as the honble George Maxwell Esqr a Member of this Board had left the Province, that it was necessary to appoint another Member for carrying on the Business of the Province; He proposed William Leitch Esqr who having been sworn in, took his Seat accordingly.

Mr. Clifton being summoned by the Governor to attend the Council, and having come, the Governor desired, that he would take his Seat.

Upon which he took a Chair, and drew it at one side from the Table. After he had sat down, the Governor said to him,

Sir,

I received your Letter desiring Permission to resign your Seat at this Council Board; but I do not think that it depends upon me to grant that permission, while you hold your Office of Chief Justice of the Province. If you please I will take the Opinion of the Council on that Subject.

Mr. Clifton replied, You may take what Opinion you please;

I have wrote to the Board of Trade, giving my reasons for declining my Seat at this Council, neither will I resume it again to give any Opinion or determine on any Matter as a Member of this Council, until their Lordships' pleasure is known.

But I am ready to attend to answer any Questions, that may be put to me relative to the Province.

The Governor then proposed the following Question to the Council for their Opinion;

Whether or not does Mr. Clifton hold his Seat at this Board Ex Officio?

Resolved unanimously, That Mr. Clifton's Seat in Council according to the second Article of His Majesty's Instructions is inseparable from his Office as Chief Justice.

—a true Copy—certified by
Alexr Maclellan.
Depy provl Secy & Clk. of Council.

Copy.

Minutes of a Council held at
Pensacola the 5th Day of August 1766.
Presents.
His Excellency Governor Johnstone.

The Honble
James Bruce
Jacob Blackwell
John Hannay
William Leitch
Jeremiah Terry
James Thompson
Esquires

The Governor acquainted the Council, that he had called upon them thus precipitately upon some Papers being presented to him, for his Signature of Attestation, relative to the unhappy Disputes between him and Mr. Clifton, respecting the Discharge of his Duty as Chief Justice; that he apprehended the particular Fact relative to Richard Painter and Paul Thackery was not set forth in a manner agreable to Truth, or so that the Fact concerning it could be properly understood at Home; That the Attestation was different from what had been delivered to the Governor, by the same Officer of the same Court before; That all he (the Governor) desired was to convey the Truth concerning the Proceeding, exactly as it stood; That he had directed Mr. Hardy and Mr. Gordon to attend the Council, to give their Evidence on the Matter, and likewise to bring the original Records, that the Council might ask such Questions of these Gentlemen as they thought proper, and examine into the original Records; he had likewise sent the following Letter to Mr. Clifton.

Sir,

As I am going to examine into the Exactitude of the Record for Attestation, which you have sent to me this Afternoon before the Governor in Council, and as the Matter concerns you nearly, and as I think it but Justice, that you may have an Opportunity to be present and full power to utter what you may think fitting on the Occasion; It is therefore I gave you this Warning, that you are at full Liberty to Appear, and say what you think proper on the Occasion.

You may think this Notice precipitate, but it is done entirely to convince you and all Mankind, that I do not wish the slightest Delay in your Affairs, where the things that depend on my Signature are agreable to Truth.

I am,
Sir,
Council Chamber Your most humble Servant,
Augst 5th 1766. (signed) Geo: Johnstone.

William Clifton Esqr

who having come, thanked the Governor for his Candour; but said that he did not see, that his Presence was in any Measure necessary. The Board might do what they thought prope ; only he hoped he might have a Copy of the Minute.

Mr. Hardy, the Deputy Clerk of the Crown, having been called in, the Govr put to him the following Questions.

Question, First. Is the Paper, which I now present to you, the Record delivered by the Jury concerning the Tryal of Thackery and Painter?

Answer. Yes.

Question Second, Are not you Sensible, notwithstanding the present Obliteration, that there was thereon wrote "The

"Jurors find the Prisoner Richard Painter Guilty"?

Answer. Yes.

Question Third, Did not you Certify the Same to me in an Attestation of the Fact, to be sent Home, by first writing these Words in the Manner they were wrote as above, and then scratching the Pen through them, tho' I do not say in the Manner they now stand?

Answer. I did Certify the Same to your Excellency with the Obliteration on the Back of the Bill of Indictment.

Question Fourth, Does the Extract of the Minute of the general Sessions set forth the above Fact, that the Verdict had been altered from Guilty to not Guilty?

Answer. It does not.

Question proposed by Mr. Thompson. Do you know, whether the Verdict was given into the Court before the Alteration in the Indictment?

Answer. I believe the verdict was sent privately to the Chief Justice the Day before the Adjournment; but I did not see it, until the Jury had it returned to them the next Day to reconsider, when they delivered it to me.

Question. Was the Verdict returned to the Jury sealed or open?

Answer. Upon my Word I cannot ascertain that Fact.

Mr. Gordon being called in, he was desired to acquaint the Council, what he knew of the Fact relative to the Tryal of Thackery and Painter, and likewise what he recollects passed between the Governor and Mr. Hardy, Clerk of the Crown in his Presence, relative to certifying the Record.

Mr. Gordon then delivered the following Answer in writing.

The Prisoners Painter and Thackery being arraigned, and Smith, their Accomplice, being admitted Evidence for the Crown, the Jury after having heard said Evidence retired, and after being out a long Time, the Chief Justice sent to desire they would send their Verdict to him sealed, and then adjourned the Court 'till next Morning; in the Interim said Smith having declared his said Testimony to have been entirely false, came into Court next Day, and having declared so before the Court, the Chief Justice delivered said Verdict to the Jury who were then at the Bar to publish the same, and desired they would, upon hearing the Recantation of said Smith, reconsider their Verdict; upon which they received the same from the Chief Justice, and desired Pen & Ink; which having used they returned the Indictment with their Verdict thereupon indorsed, whereby they found the Prisoners Painter and Thackery not Guilty; And there was also some other Writing upon said Indictment, which they had blotted, as much as they could, and seemed to be a former Verdict, written by them the day before.

Question 2d Do you know, by whose Order the above-mentioned Smith was brought down from Goal next day to give fresh Evidence?

Answer. I recollect having some Conversation with some Officer of the Court the morning after said Trial; and it is very possible from what I may have said to him, on that Occasion, that he thought he was to bring him to Court.

Question 3d Did you give any order, or make any Motion for admitting this fresh Evidence?

Answer, I do not recollect that I ever did.

The Council then came to the following resolutions.

Resolved, Unanimously, That it appears to this Council, that the Fact set forth by the Governor in the ninth Article of the Charge against the Honble William Clifton, appears to be exactly true; but, with respect to the reasoning thereon, they do not at present enter upon it.

Resolved, That the Minutes of Court presented for the Governor's Signature of Attestation, does not represent the whole of the Circumstances, relative to Thackery and Painter, as they appear to have happened.

Then the Council adjourned.

a true Copy,—certified by

Alexd Maclellan.

Depy Provl Secry & Clk. of Council.

Geo: Johnstone.

Endorsed. Copy of Minutes of—Councils held at—Pensacola 26th May—& 5th Augst 1766.—No 65.

From James Bruce to Governor Johnstone.

Copy.

Pensacola 27th May 1766.

Sir,

I am sorry I am under the Necessity of complaining to Your Excellency of one of the first Officers in this Colony, namely Mr. Clifton Chief Justice.

Yesterday in the Morning I was informed by a Servant of mine John Bowen, that he had just then seen a Horse; which was stolen from me some time in December last, at the House of Mr James Noble, where the Chief Justice resides, in the possession of a Mulatto, who said he came from Mobile; which Mulatto refused to deliver the Horse to my Servant, alledging he belonged to himself, or Master; upon which I went myself, taking the said Bowen with me, and when I saw the Horse, I instantly knew him to be my property, and therefore demanded him of the Fellow, in whose Possession I found him, which he refusing to do, I immediately waited upon the Chief Justice, as the only Magistrate who was then in Town, and requested he would grant me an Order to secure my Horse, and to apprehend the person in whose Custody he was found. In order to enable Mr Clifton to found his Warrant for so doing, I desired to make Oath to the Identity of the Horse as my Property, and desired to produce the said Servant, and several other credible Persons to prove the Horse to be my Property, and that he had been stolen or taken away from Pensacola several Months since; my Mark was upon him, and I offered to bring the Iron, with which he had been branded. In short, I offered to produce every Evidence which I presume the Laws of the Land direct, to prove my Property, but all to no purpose; Mr Clifton absolutely refused, as a Magistrate, to take any Cognizance of the Affair; only told me I must raise an Action against the Possessor at Common Law, altho' he refused to take my Oath, and that of my Servant to prove the Identity of the Horse, which I presume was the only Means which could enable me to found an Action against the Possessor. I had the further Mortification, in a few Minutes, after I had made the above Application, to see my own Horse hurried away from the House where the Chief Justice resides to

Mobile; and as I have been since credibly informed with Dispatches from himself, notwithstanding I had sent my Servant to request he might be detained for a short Time, until I should have an Opportunity of applying to your Excellency for Redress.

Your Excellency is too well acquainted with the many Instances daily practised here of stealing and clandestinely taking away of Horses, not to be sensible of the bad Effects which may attend a Precedent of this Nature, which is not only in my Opinion contrary to the Laws and common Practice of England, but has likewise a Tendency to the Encouragement of so infamous a Practice. The Persons, who were present when I made Application to Mr Clifton, were Mr James Noble, Mr Butler, Mr Hardy, and, I think, Mr Page.

The Duty I owe the Public as well as myself induces me to lay this before Your Excellency, that you may do therein as you shall see necessary. I have the Honor to be with Respect

Your Excellency's
most humble & obedient Servant,
(signed) James Bruce.

His Excellency George Johnstone Esqr

Copy.

Primerose Thomson Secry

Endorsed. Copy of a Letter from—James Bruce Esqr to—Govr Johnstone, dated—Pensacola 27 May 1766.—No 66.

From Governor Johnstone to John Pownall.

Copy.

Pensacola 7th Augst 1766.

Sir,

As Mr Clifton is going Home, and every one must be sensible of the Influence of a Man on the Spot, I hope Their Lordships will excuse me for endeavouring to answer any Objections I may hear he has made to my Conduct, tho' perhaps they may never come before the Board of Trade.

I understand, Mr Clifton has complained very heavily, that I refused him that seat in Council, to which he was entitled.

The Minute of Council will shew the Manner in which I proceeded. When any Doubt arises, I must take the Opinion of the Members. This I was proceeding to do, without Influence or Partiality, when, at his own Desire, the Question was waved, after being debated.

My Letter of the 19th of February 1765, will convince Their Lordships, how candidly I acted with respect to him in this Affair. My having received no answer on that leaves me to think my Conduct was approved; And therefore I am the more surprized to hear this Matter again broached, as if some new Light had dropped down upon us.

I do declare, I acted in that Matter entirely agreeable to my Conscience, without any Prejudice, for or against Mr Clifton, with whom I was but just acquainted.

I am with the greatest Respect,
Sir,
Your most obedient, and
most humble Servant,
Geo. Johnstone.

John Pownall Esqr
Secry to The Right Honorable
The Board of Trade.

Endorsed. Copy of a Letter from—Govr Johnstone to Mr—Pownall, dated Pensacola—7th Augst 1766.—No 67.

Specifications of the Dispute.

For and against Governor Johnstone.

A Dispute for Military Command and Honours gave the first Rise to all the Misunderstandings and Troubles in West Florida.

No 1. A Letter to the Board of Trade respecting his Majesty's Regulations concerning the separate Powers of a Commander-in-Chief and Governor's of Provinces, treated in rather free terms, Molieres Old Woman, and a Defect in the tenth Commandment being strangely introduced.

2. Dissentions with the Military Officers of the Garrison of Pensacola, and Arrests for Trifles which might easily have been avoided. Matters pushed by both Parties much too far.

As Disputes about Matters little essential to the Welfare of this Infant Province had like to end in Blood and Slaughter if not in its total Ruin. Here the first Misunderstanding between the Governor and Chief Justice seems to have arisen; the latter having dissented from the violent Measures pursued.

3. Governor Johnstone's Letter to General Gage giving a slight Account of the first Rise of these Troubles.

4. General Gage's Reproof to the commanding Officer, blames Him for Imprudence; thinks the Governor had gone intirely out of his Sphere, but that He might have been complyed with on many Points; clear that the Governors have not the supreme Command in regimental Duty, much less in military Operations. Blames intirely the Behaviour of Governor Johnstone; and the commanding Officer for having complied with L^{t} Col. Wedderburn's Advice to resign the Command.

5. A Severe Rebuke from General Gage of Col. Wedderburn for his Comments and Explanations of the Kings Orders. Orders him to leave Pensacola and join his Corps at Mobile. Observes that His Majesty's Orders were so distinct that no Confusion arose from them in any other Province except West Florida.

6, & 7. contains his Majesty's Orders which ought to have been obeyed; and the Governors which ought not to have been given.

8, & 9. Copy of a Surgeon's Commission, and a Letter from the Secretary at War; some Words of Course in which led the Governor to imagine Himself vested with the supreme military Command.

10. to 12. Letters between Governor Johnstone and L^{t} Colonel Walsh on the Subject of their Disputes; not very material.

13. A very extraordinary letter from Governor Johnstone to General Gage.

14 to 18 Letters between the Governor and L^{t} Colonel Walsh.

19. Attorney Generals Opinion on a point of Law; not material.

20. Letter to L^{t} Col Walsh.

21. to Letter from the Governor to General Gage desiring Col. Walsh may be tried by a Court Martial.

23. Letter to the Board of Trade from Governor Johnstone laying the Blame of His Unpopularity on the Stamp Act; and blaming L^t^ Governor Browne for playing *his Role*, blaming also the Chief Justice.

24. Letter to L^t^ Colonel Maxwell to embark Troops at Mobile, and to come and take the Command at Pensacola from L^t^ Col. Walsh.

28. Col. Maxwell's Answer obeying the Command.

29. Orders to L^t^ Col. Maxwell to march into the Town.

30. Governor's Affidavit that Col. Walsh opposed his Orders by force of Arms.

31. Warrant from Gov^r^ Johnstone to arrest L^t^ Col. Walsh.

32. Order to Major Bromley to take the Command and open the Gates to L^t^ Col. Maxwell's Detachment, Col. Walsh being taken into Custody.

33. Minutes of Council approving the Governor's Proceedings.

34. Colonel Walsh's Examination before the Chief Justice; His Reasons for refusing Admittance to L^t^ Col. Maxwell's Detachment; It would appear by this Examination, that if Col. Maxwell had not prudently declined obeying the Governor's Order, a Battle must have ensued.

35. Chief Justice's Order to discharge Col. Walsh; the Quarrel between the Gov^r^ and Him on a point of military Command not authorizing a civil Comitment.

37. Letter from Col. Maxwell declining the Command.

38&39. Letters from the Governor requesting Col. Maxwell to take the Command and bring Col. Walsh to a Court Martial for High Treason and Disobedience of Orders.

40 & 41. Answers again declining the Command and desiring to return to Mobile, General Gage having blamed L^t^ Col. Wedderburn for obeying in a similar Instance.

42. Letter from the Gov^r^ blaming Col. Maxwell for his *gentle Temper* and giving Him leave to return to Mobile.

43 & 44. The Governor's Order to Col. Walsh's, and the Colonel's Refusal to obey it.

45 & 46. The Governor's Letters to the Board of Trade in Vindication of his Conduct.

47. Affidavit of the Governor against Col. Walsh before the Chief Justice. Reasons why he arrested Him, at the Head of his Corps with his own hand. Deposing also that He had two Thrusts made at Him while he forced His Entrance into the Town by scaling the Parapet, one of which entered the Knee of his Britches.

48. To the Board of Trade complaining of a Combination to depose Him from his Government and confer it upon the L^{t} Governor. He could discover all his Enemies but like *Caesar* he did not chuse to know their numbers.

50. Affidavit proving a design to depose Him.

51 & 52. Letters to the Board of Trade against L^{t} Gov^{r} Browne; charging Him with ordering the Men to run him through when he scaled the Parapet.

53. Complaint against the Chief Justice whom He afterwards suspended. 17 Men tried for Murder since the Establishment in West Florida.

54. Charges against D^{o} contained in 16 Articles. N. B. Fresh Charges have been received yesterday in 18 Articles.

55 to 79. Papers relative to the Governor's Complaints against Col. Walsh and the Chief Justice. One Material One against the Chief Justice for having induced a Jury to change their Verdict on fresh Evidence being produced, from *Guilty* to *not Guilty*.

80. Rush Wegg Attorney Generals Letter of Complaint against the Governor on being superseded for Incapacity and Youth. Avoids entering into the Causes of the Misery of the Province lest it should be attributed to a Spirit of Revenge.

81 & 82. Addresses to Rush Wegg, upon his being superseded, from the Principal Inhabitants and the Grand Jury of Pensacola thanking Him for his good Behaviour while in Office.

Letter from Board of Trade to the King.

To the King's most Excellent Majesty.
May it please Your Majesty

Your Majesty having been pleased in consequence of the Disputes which had arisen between Your Majesty's Governor of West Florida and the Officers commanding Your Majesty's Troops there, as to the Extent of their respective Authority in Matters purely Military within that Province, to explain your Royal Intentions on that head by some additional Orders, which were transmitted by one of Your Majesty's principal Secretaries of State and by this Board to Your Majesty's said Governor, We had hopes that these Orders would have prevented all future Misunderstandings and Disputes; but your Majesty will be informed by the inclosed Letters and papers which we have received from Your Majesty's said Governor that these Orders have been so far from having the desired Effect, that they have, to use the Governor's own Words, generated more Confusion, and the Disputes which have arisen thereupon have produced such a dangerous state of Anarchy and Confusion as does seem to us to require the immediate Interposition of Your Majesty's Royal Authority [torn out] order to prevent the most fatal Consequences.

The Papers which we have hereunto annexed will fully inform Your Majesty of the present unhappy State of Affairs in Your Majesty's Province of West Florida; not only in so far as that State has reference to what has passed between Your Majesty's Governor and the Commanding Officers of Your Majesty's Troops, but also to the Complaints made by the said Governor against the Lieutenant Governor, Chief Justice, and Attorney General, all which must be humbly submitted to Your Majesty's Determination upon a Consideration as well of what the Governor has represented as upon such Representations as may have been received by other Departments of Office, from the Persons having Military Command in those

Parts, and from the several Officers of whose Conduct the Governor complains.

Which is most humbly submitted,

Dartmouth.
Whitehall
Ed: Eliot.
Augst 1.—1766.
John Roberts.
Wm Fitzherbert.
Palmerston.

List of Papers annexed.

No 1. Extract of a Letter from George Johnstone Esqr Governor of West Florida, to John Pownall Esqr Secretary to the Lords Commissioners for Trade and Plantations, dated Janry 28, 1766.

2. Extracts from the Minutes of His Majesty's Council for the Province of West Florida.

3 to 22. Copies of Papers respecting Governor Johnstone's Disputes with Captain Simpson and Lieutenant Colonel Walsh, regarding the Power of the Civil Governor and military Commanders.

23. Copy of a Letter from Governor Johnstone to John Pownall, Esquire, Secretary to the Lords Commissioners for Trade and Plantations, dated Febry 26, 1766.

24 to 44. Copies of Papers relating to Governor Johnstone's Dispute with Lieutenant Colonel Walsh.

45. Copy of a Letter from Governor Johnstone to Mr Pownall dated April 1st 1766.

46. Copy of a second Letter from Governor Johnstone to Mr Pownall, dated April 1st 1766.

47. Copy of Governor Johnstone's Affidavit, before the Chief Justice Mr Clifton.

48. Copy of a third Letter from Govr Johnstone to Mr Pownall, dated April 1st 1766.

49. Extract of a fourth Letter from Governor Johnstone to Mr Pownall, dated April 1st 1766.

50. Copy of an Affidavit of Robert Collins.

51. Copy of a fifth Letter from Governor Johnstone to Mr Pownall, dated April 1st 1766.

52. Copy of a List of Necessaries, which Lieutenant Governor Browne agreed to deliver to the French Emigrants, and for which he had received the Money from Mr Ellis.

53. Copy of a sixth Letter from Governor Johnstone to Mr Pownall, dated April 1st 1766.

54. Copy of Governor Johnstone's Charge against William Clifton Esquire, Chief Justice.

55 to 79. Copies of Papers in Support of the Charge against Mr Clifton.

80 Copy of a Letter from Edmund Rush Wegg Esquire, Attorney General of West Florida, to Mr Pownall Secretary to the Lords Commissioners for Trade and Plantations, dated April 23d 1766.

81. Copies of Letters and Addresses relative to the Suspension of Edmund Rush Wegg Esquire, Attorney General of West Florida.

No 1. From Governor Johnstone.

Extract of a Letter from George Johnstone Esqr
Governor of West Florida to the Secretary to the
Lords Commissioners for Trade and Plantations—
Pensacola 28th January 1766

Sir,

I am really grieved to the utmost Degree, to acquaint the Lords Commissioners for Trade and Plantations, that the Decision of His Majesty, communicated by the Earl of Halifax in his Letter of the 9th February 1765, respecting the respective Powers of the Governors of Provinces and the military Commanders, so far from having the desired Effect, of preventing all misunderstandings in future, that in this Province, it has rather generated more confusion.

I now transmit to their Lordships authentic Copies of all the Proceedings which have been held thereon.

I will not say, tho' it appears so to me, that His Majesty's Decision is communicated in the distinctest Language, since it has been capable of producing such diametrically opposite Opinions. For there is no arguing against this Criterion; And if Moliere thought it requisite to try Clearness of his Expression, even for the Stage, by the Sentiments of an Old Woman, the Rule becomes no less necessary in transmitting Orders to this part of the world.

Certainly some of us must be egregiously mistaken.

If it was ever known that any person gave the Parole who was not responsible for the Garrison; Or that a man was ever responsible for a Garrison without having the Keys of it; Or that any man ever had a Power of ordering without a means of enforcing Obedience to his Orders, Or that any Governor of a Province has ever been treated in the Changeling Manner that I have been; Then I shall admit there is a possibility of my being wrong.

The whole of the Arguments of Genl Gage seem to turn on this "That where particular Powers are first mentioned, it destroys the Effect" of the general Conclusion.

The president Montesquieu has finely remarked, that this is a great Defect in the penning of Laws, and that it is a general Vice in every Country, tending to render Things more doubtful and obscure, instead of rendering them more extensive and positive, which is nevertheless generally meant. We have an Example of this in the tenth Commandment.

The General is pleased to say, The King may give us the Shew of Command, and yet restrain us in Essentials. God forbid I should dispute His Majesty's absolute authority in all military Matters.

This is the very Point for which I contend, and that the General cannot restrain his Powers. And therefore when I see His Majesty's Sacred Name affixed to the Commission of Surgeon of the Garrison of Pensacola, subsequent to those Disputes, commanding Obedience to me according to the Rules and Discipline of War; and when I look at the Letter from His Majesty's Secretary for War, relative to the Landing and Embarkation of the Troops, directing me to give the Orders &ca And when I look at my Commission, and His Royal Decision on the former Disputes; I cannot allow myself to doubt that I am at present responsible for this Garrison, as well as the Province intrusted to my Care.

The Matter is exactly opposite to what the General represents. His Majesty has been pleased to give to His Governors of Provinces *the Essentials*, and Major General Gage, being displeased at this Decision, wishes to take away *the shew*. All I pretend in the limitation of His Majesty's Authority is in deference to His wisdom, that notwithstanding every Thing General Gage has said, His Majesty cannot be guilty of Inconsistency.

I must further remark in my own Vindication, that in Case I am wrong, the following Military Men are equally in Error namely Brigadier General Bouquet, Colonel Reed, Lieutenant Colonel Maxwell, Lieutenant Colonel Wedderburn, Sir William Burnaby, Sir John Lindsay, Captain Maxwell of the 31st Regimt, Captain Stuart Superintendant of Indian Affairs. And I might add Lieutenant Colonel Walsh, if letters under his own hand could be any Proof of his Opinion, in Contradiction to his subsequent unruly Conduct.

I do acknowledge my Ideas of Government are so simple, that I conceive there must be an ultimate Power lodged somewhere in every Community. That the military is not distinct from this Power, but a necessary Part of One great whole, the Commonwealth; That, in the Civil Concerns of the Community, the Power is generally lodged with certain Numbers of Men. In military Matters, it can only, with Propriety be in One Person, unless, like Dutch Commissioners, Numbers are appointed on purpose to retard Service. Our whole Assistance here at the first must arise from the Troops. They are the predominant Body in the Society.

If such Men are left independent of the Person who can be supposed to have the Prosperity of the Colony most nearly at Heart, it may be expected, as is the Case, that very little will be done by them.

When I read of Prisons being broke open in Ireland, The Ears of Justices of the Peace being cutt off in Canada, Rescues of Debtors (Captain Rogers) in New York, Houses seized by Force, and an Exemption from Civil Authority claimed in West Florida; And no real effectual Punishment attending such

Crimes, which strike at the very Being of all Government, I must acknowledge, my Concern goes further than this Province.

I do not by this mean to throw the slightest Reflection on the Regiments which are now here. I have the greatest Friendship for many of the Officers, and I know and am conscious, they in general disapprove, and are ashamed of, the Behavior of Lieutenant Colonel Walsh. But that Declaration of Genl Gage, that no Commanding Officer is to submit to an Arrest from the Governor, who has nevertheless the Power of ordering him, has staggered their Conduct in every Respect.

Respecting the Opinion of Mr Clifton, Chief Justice, It is so seldom he will favor us with his Sentiments, and when he is pleased so to do, they are generally surrounded with so much Panegyric on his own Zeal, and such abundance of Words, without any precise Idea, that really I am seldom happy enough to understand his Meaning on the *Premisses;* particularly in his Protest of 11th January 1766, which puts me in mind of Hudibras's Account of those Men, that made a Vow, to do they knew not what or how.

Since the Minutes of Council were finished, Colonel Walsh has been guilty of yet a further Outrage. There is a Party of Twenty Seamen on shore from His Majesty's Ship Active, clearing the Streets of the Town, and opening Communication to the Country. That they might be more early at work, and less fatigued at Night, I had assigned them an Old empty Barrack. Captain Caskett did not think, after the Lieutenant Colonel's late Behavior, as an Officer in His Majesty's Service, he could be familiar with a Man whose Conduct he regarded in a degree of Mutiny. In consequence Colonel Walsh ordered the Seamen out of the above Barrack, tho' it is not wanted or employed to any other earthly purpose.

Their Lordships will likewise observe, that in this second Confusion, the Post at Manchac is once again in danger of being lost by our Divisions. For the Colonel has sent me no answer to my Letter of the 23d January, and the Vessel is sailed without the Provisions, and I cannot learn he is taking any Measures for conveying the Provisions there.

In Consequence of the Advice of the Council, I have also wrote to General Gage for a Court Martial on Lieutenant Coll Walsh, a fair and impartial Trial on his Conduct, even by his own Corps, being all I request on his Military Crimes. But as I have reason to suspect, that Genl Gage will not grant me this Justice, I have to beg their Lordships will obtain it from His Majesty.

It may be alledged in my Letters of 29th and 30th September 1765, I offered to yield many of the Points for which I am now contending.

This was before I had undertaken to send off the Troops to Manchac, or the Repairs of the Barracks, or other military matters which, having once begun I am bound to support. And on this Occasion, it is proper to be remarked, as an establishd Military Rule, that whenever any Dispute shall arise about Command, the Person who then submits, whether right or wrong in the conclusion, is equally subject to be tried for Disobedience of Orders, before a Decision is obtained. otherwise all Things, in the interim, must be subject to the utmost confusion. Besides that I ever reserved a Power of appealing to His Majesty.

I have likewise inclosed to their Lordships my Letter to General Conway acquainting Him of my having suspended Edmund Rush Wegg His Majesty's Attorney General, and my Reasons for so doing.

I hope their Lordships will approve of my Conduct, and excuse my not sending a Copy to Them (which must have been Mutatis Mutandis, the same;) in consideration of the numerous Papers which I have been obliged to send on other more material Subjects.

From Minutes of Council.

No 2.

Extracts from Minutes of His Majesty's
Council for the Province of West Florida.
May 18th 1765.

The Governor laid before the Council the Draft of a Regulation for preventing the sale, or giving of spirituous Liquors to the Indians; which mutatis mutandis was the same that was passed at a Council held at Mobile the 28th day of February last, during the Congress with the Chactaw and Chickisaw Nations.

Mr Clifton begged leave to give it as his Opinion, that under the 11th Article of His Majesty's Instructions the Governor and Council have no power to inflict Imprisonment upon any person. And that the Clause in the Regulation inflicting Imprisonment ought not to be inserted in it.

In Answer to which, the Governor delivered his Opinion. That the Words Liberty of the Subject, did not there mean personal restraint; which was only opposed to Liberty in one of the seven significations of the Word: But that the Words contrary to the Liberty of the Subject meant no Regulations, by which the general Liberties of the People according to the Constitutions of Great Britain were affected.

That in Case Mr Clifton's Construction of the Words, Liberty of the Subject, was true, the whole of the Instructions and the Government settled here by His Majesty would be absurd to common Understanding. For it is impossible to carry any Regulation into Execution without personal Restraint, which supposing for an Hour is as much a breach of the Instructions, as the Month mentioned in the Regulation, and that it appears to him the only means of preserving the peace of the province.

The Question was then put to the rest of the Members, who were of Opinion that some Regulation was absolutely necessary, and that, That was the only Method of carrying the desired Effect into Execution.

Mr Durnford was of Opinion, that some Regulation was absolutely necessary in this Case, but that he was not clear in the point of Law.

Ordered, that the said Regulation be forthwith passed.

May 23d 1765

The Governor laid before the Council a Letter which he had received from the Earl of Halifax one of His Majesty's principal Secretaries of State dated at St James's the 9th day of Febry last, also a Letter the Governor wrote to Captain Simpson, Commanding Officer of His Majesty's 35th Regiment of Foot in Consequence.

He further acquainted the Council, that some Doubt had arose, whether the Keys of the Garrison were to be delivered to him? Whether the Reports of the Guard were to be made to him by the Officer? Whether he had the distribution of the Quarters? And desired to know the Opinion of the Council thereon.

Who were unanimously of Opinion, that His Excellency is Governor of this Fort, and that, by the Decision of His Majesty on this Head, by directing that the Governor was to give the Word in all places, except when the Commander in Chief of the Troops in North America or Brigadier General shall be in the same place; All the powers incident to Governors of Garrisons were vested in him.

It was therefore the unanimous Opinion and Advice of the Council, that he should support the Authority vested in him without applying to the Council in the common detail of Garrison Orders.

The Governor acquainted the Council, that he proposed to order the House possessed by Lieut: Crutchfield to be cleared to accommodate His Majesty's Superintendant for Indian Affairs, while he remains in this place, and that Lieutenant Crutchfield should remove to the same House with Lieut. Massey.

As also of an Application made to Sir William Burnaby by the Governor, and Sir William's Answer, for a party of Marines to reinforce the Garrison, during the time of the present Congress with the Indians, and also the Dispositions which the Governor proposed to make in consequence.

All of which were unanimously approved of.

May 24th 1765.

The Governor acquainted the Council of the Steps which he had taken in the prosecution of their Advice, concerning the Regulations of the Garrison at Pensacola.

First, That in Consequence he had wrote the following Letters to Captain Andrew Simpson, to which he had received the Answers which follows them in Order Vizt

Governor Johnstone to Captain Andrew Simpson
Commanding the 35th Regiment.

Pensacola 23 May 1765.

Sir,

I beg you will be pleased to transmit to me such Specific Orders as you may have received from General Gage, concerning the carrying on of any Service within the Province of West Florida, the knowledge of which may be necessary for the discharging of the Powers vested in me, Also whatever standing Orders you may have issued relative to this Garrison.

I observe in the Return of the State of the Regiment, that one Surgeon is marked present; I beg to know if that is realy the Case.

I am with Respect,
Sir,
Your most obedient
humble Servant.

Governor Johnstone to Capt Simpson Commanding the 35th Regiment. Pensacola 23 May 1765.

Sir,

I find it necessary for His Majesty's Service by and with the Advice of His Majesty's Council, to order the House in which Lieut Crutchfield lives, to be cleared forthwith, and that Lieut Crutchfield may be quartered in the House where Lieut Massey did live, and with him or in any other of the Quarters assigned the Regimt as you may judge proper.

I must beg leave to put you in mind that you told me the House where Lieut Massey did live, which you was willing to evacuate, was in your Opinion a better House than that where Lieut Crutchfield now lives, and therefore according to your own Opinion there can be no hardship on those Gentlemen by this Order.

I am with Respect
Sir,
Your most obedt and
most humble Servant

Capt. Simpson to Governor Johnstone, Pensacola 23d May 1765.

Sir,

I was honored with both your Letters of this day. I shall be ready to comply with any Orders from your Excellency and His Majesty's Council, as far as His Majesty seems to prescribe in the Copy of a Letter from His Majesty's Secretary of State, which I had the Honour to receive from your Excellency two days ago.

There being nothing in that Letter relative to the Quartering the Troops; and the Regiments Quarters being settled before I commanded it shall not take upon me to make any alterations.

As it does not appear to me, that there is anything in the Earl of Halifax's Letter, that vests your Excellency with the entire Command of the Troops here, I therefore hope you will excuse my not sending the specific Orders you were pleased to mention.

In regard to the Surgeon he is at present in the Province, tho' he has my leave of Absence for a few days at Mobile, and before he went Mr Fontenelle Surgeon to the Artillery was appointed to do his Duty in the Regiment during his Absence.

I am,

Sir, Your most obedient and
most humble Servant.

That in consequence of such Answer he had thought proper to put Captain Andrew Simpson under an Arrest, by a Letter in the following Words,

Governor Johnstone to Captain Simpson of the
35th Regimt Pensacola 24th May 1765.

Sir,

In Answer to the Letter which you wrote to me last Night, I think it incumbent on me for the good of His Majesty's Service to order you into an Arrest for Disobedience of Orders. I am,

Sr Your most obedient and
most humble Servant.

And had also sent a Letter to Captain Lieut Bamford the next eldest Officer in the Regiment, and which likewise follows.

Governor Johnsone to Captain Lieut Bamford
of the 35th Regimt
Pensacola 24th May 1765.

Sir,

I have the Honour to inclose to you a Copy of a Letter I have been obliged for the good of His Majesty's Service to write this day to Captain Simpson, ordering him into an Arrest for Disobedience of Orders,

In Consequence of which the Command of the Regiment in this Garrison falls upon you.

I therefore desire you should see all Orders carried into Execution, as well as this of putting M^r^ Simpson under an Arrest.

I am, with Respect
Sr
Your most obedient and most
humble Servant.

The Governor further acquainted the Council, that in Answer to the Letter putting Captain Simpson under an Arrest, Lieu James Cockbourne had brought a Message which the Governor would rather choose the Council should hear from Lieu^t^ Cockbourne's own Mouth.

That during these Transactions the Governor had sent for Lieu^t^ Downman of the Artillery, and shown him the original Letter, from the Earl of Halifax, for preventing future Misunderstandings between the civil Governors and the Commanders of the different Troops, and further asked him if he had brought any Orders, for puting himself under the Command of any person in this Province, to which he replied that he had brought none, but a Letter to the Governor from Colonel James. He then desired he might send an Orderly Gunner and transmit to him a Return of the Men and Artillery Stores, and in particular in what Situation they stood as to Service, and what Cartouches were filled, which he accordingly told the Governor should be done, and actually did send an Orderly Gunner.

That this Morning the Orderly Gunner not attending and the Return of the Stores, as had been promised on the Word of an Officer, not being sent; the Governor sent for Lieu^t^ Downman to know the Reason, who told him, that he waited for Orders from Captain Simpson, under whose Command alone he apprehended he was. The Governor told him he was sorry to differ in Opinion from him, but as the Governor conceived Lieu^t^ Downman was under his Command, He hoped M^r^ Downman would excuse him for demanding his Sword. To which he made answer pretty shortly, that he had no Sword on. The Governor acquainted him that he should have learnt as an Officer, when he came to wait of his Superiors, on His Majesty's Service, that he ought to wear his Sword, however it was his Orders he should go under Arrest and keep his Room.

The Governor further says, that he has since seen him walking abroad, and that he is informed M^r^ Downman does not think, that the Governor has any power to put him in Arrest.

That it appears to him, the King has given him Power to give certain Orders to the Troops.

That the same Power carries along with it the Means of inforceing these Orders, otherwise he apprehends the Regulation would not carry that accuracy which always distinguish His Majesty's Decisions.

That a number of Marines are now landed and in this present distracted Situation of Affairs, it is difficult to say, who is to give them Orders, or who they can obey.

That therefore he had called the Council together, to take their Opinions in the most deliberate manner on the necessary Steps to be taken against those, who, against every principle of Reason for the good of their Country, take so much pains to embroil the Affairs of this Colony. The Governor further told the Council, that he had been that moment called out by Captain Lieu^t^ Bamford, who had told him he did not conceive his Orders had any effect with Respect to him.

It is the Opinion of the Council, that the first Step to be taken is to send for Lieu^t^ Cockbourne before them.

Ordered That he be summoned accordingly to attend the Council forthwith.

M^r^ Cockbourne being come, he was desired to acquaint the Governor and Council of the Answer he had brought Captain Andrew Simpson, that it might be marked in his own Words, that no Mistake hereafter might happen upon it.

M^r^ Cockbourne said, that Captain Simpson would forward His Majesty's Service in all Branches civil and military with the utmost readiness; That he would conform himself to His Majesty's Instructions set forth by Lord Halifax to the Governor by Letter, to the best of his Judgment and understanding; But as that Letter does not declare Governor Johnstone to be supreme and absolute military Commander here, and as he has Orders from the Commander in Chief to command here, he therefore does not think himself under the sole Command of Governor Johnstone further than is set forth in Lord Halifax's Letter, and of course cannot receive any Arrest from him.

And then M^r^ Cockbourne withdrew.

After considering the Subject for some time, the Council were of Opinion, that in so critical a Situation, where the very being of the Province was concerned in case of any Rupture with the numerous Tribes of Indians encamped round this place, That it would be proper to request the assistance of the most experienced Officers upon that Subject, and as Sir William Burnaby Rear Admiral of the Red, and Commander in Chief of His Majesty's Ships, was in Port, and Lieu^{t} Colonel Wedderbourne of His Majesty's 22^{d} Regiment of Foot was on the Spot, who is the military Officer of highest Rank in the Province, That it would be proper to request their Opinion on a Subject in which they might be supposed to be well acquainted; and that it be recommended to the Governor to write Letters to them accordingly.

Sir William Burnaby and Lieu^{t} Colonel Wedderbourne having attended the Council in consequence of the Governor's Letters to them, the following Questions were stated to them for their Opinions.

QUESTION 1st To whom is the Defence of this Fort now entrusted by His Majesty's Intentions signified by the Earl of Halifax one of His Majesty's principal Secretaries of State, in his Letter dated the 9th day of February last, which is now produced?

ANSWER.

Sir William Burnaby. I apprehend to the Governor.
Col. Wedderbourne. To the Governor.

QUESTION 2^{d} Whether upon the State of the Facts in the foregoing Minutes, which have now been read, Captain Simpson has acted agreably to His Majesty's Intentions, signified by the Earl of Halifax in the aforesaid Letter?

ANSWER.

Sir William Burnaby. I do not apprehend he has.

Col Wedderbourne. I do not apprehend he has.

QUESTION 3d Whether Captain Simpson in retaining the Keys of this Garrison, and refusing to give the Report of the Garrison Orders, has acted agreably to His Majesty's Intentions signified by the said Letter?

ANSWER.

Sir William Burnaby. I apprehend the Governor has a right to the Keys of the Garrison, and therefore Captain Simpson has not complied with His Majesty's Intentions, signified in the said Letter.

Col Wedderbourne. I think not.

QUESTION 4th Whether Captain Simpson in refusing to comply with the different Orders and Requests in the Governor's Letters of the 23d day of May now produced has acted agreably to the aforesaid Letter from the Earl of Halifax?

ANSWER.

Sir William Burnaby. Certainly not.

Col Wedderbourne. I think not.

QUESTION 5th Whether the Governor had Authority to put Captain Simpson and Lieut Downman in Arrest, and whether he proceeded properly in those Steps?

ANSWER.

Sir William Burnaby. I think the Governor had an undoubted Right to put them both in an Arrest, and that the Governor has proceeded properly.

Col Wedderbourne. Having already given it as my Opinions that the Command of the Garrison was by the King's Order, vested in His Excellency the Governor, and that he had a Right to give Orders in Matters purely Military; I am of Opinion, that his Excellency has a right, in the manner by Law prescribed, to enforce Obedience to these Orders, and that the Mode in which it appears to me that this has been executed, is regular and decent.

QUESTION 6th After considering the preceding Facts laid before you what do you think is most proper to be done in this Emergency?

After debating upon the subject for some time, and taking the Opinion of Sir William Burnaby and Lieut Colonel Wedderbourne upon that point; It was the unanimous Opinion of the Council, as well as of Sir William Burnaby and Lieut Colonel Wedderbourne, That his Excellency the Governor should forthwith issue his Orders to Lieut Colonel Wedderbourne to order a Party of His Majesty's 22d Regiment to march from Mobile to Pensacola; and that upon their Arrival, the Colonel, as senior Officer, might (on the very Doctrine of Captain Simpson) take the Command of all the Troops in this Garrison.

And then the Council adjourned.

May 26th 1765.

Upon the second reading of the preceding Minutes Mr Durnford said, that he had not given his Opinion before, neither did he think himself capable to give an Opinion upon the Subject, particularly as Captain Simpson had not been called before the Council, to know the specific Orders he had received from General Gage.

The Governor then beg'd leave to observe to the Council, that Mr Durnford, during the Debate of the Question had not made the least Objection, and that Silence in those Cases, was generally construed Consent, neither had he proposed at that time, the Step which he now recommends.

Mr Durnford replied, that he then understood the Members were not settled, and expected that Sir William Burnaby and Lieut Colonel Wedderbourne had something more to say upon the Subject, and therefore he now moves that Captain Simpson may be called before the Council.

The Votes being put it was carried Six to one, that Captain Simpson should not be called before the Council upon that Head, as he had already given his Answer in writing.

Then the Council adjourned.

August 4th 1765.

Read a Petition from Captain Thomas Varlo, setting forth the necessity of making Regimental Gardens for the Troops in Garrison and praying to have Lots granted for that purpose.

Captain Varlo and the other Captains of the Regiment were called in, and their Opinions asked on the Subject.

Resolved. Unanimously, that the Spaces reserved round the Block Houses for the Use of the Crown shall be appropriated for the purposes of Gardens for the Troops in Garrison for the time being, and that the surveyor General have orders to lay it out in Lots as the Commanding Officer shall think proper.

August 6th 1765.

His Excellency the Governor laid before the Council a Letter which he had received from the Secretary at War relative to the relieving the Troops, and further concerning Forty Recruits destined for the 34th Regiment. He likewise laid before them the measures which he had taken in Consequence, when deprived of the Assistance of the Council, for want of being able to make a Quorum, and in Consequence proposed the following Queries for their Opinion.

Query 1mo Whether a Detachment should be sent to Fort Bute?

Agreed unanimously, that a Detachment of one Captain, two Subalterns and fifty Men, should be instantly sent there.

Query 2do Whether a Detachment should be sent to take possession of the Natches?

Agreed, that a Detachment of one Captain, two Subalterns and fifty Men should be sent to take possession of the post at the Natches.

Query 3o Whether the cheapest and most expeditious Method of taking Possession of Fort Bute, and the Natches, be not to embark the Troops destined for these Services on Board the Speedwell Transport?

Agreed unanimously, that it is the cheapest and most expeditious Method.

Janry 7, 1766.

His Excellency the Governor acquainted the Council that he had been informed that Lieut Colonel Walsh had directed Mr Powell to make a forceable Entry and to take Possession of one of the Huts which had formerly been assigned by the Governor and Council as a Quarter for one of the Surgeons Mates of the Province which he apprehended was a violent Contempt of their Authority and contrary to his Duty in every respect. In confirmation of which he desired the Barrack Master Lieut Alexander Maclellan might be examined, who gave the following relation of that matter.

That on the sixth of this Month he waited on his Excellency the Governor to inform him, that Lieut Colonel Walsh wanted to take possesion of a Hutt, which (in the Distribution of Quarters) had been appropriated for the Hospital Mates, and which never had been given up, or considered as Regimental Quarters, and desiring to know if the Key which was then in his (Lieut Maclellan's) possession should be given up to Lieut Colonel Walsh, or not, as the Lieut Colonel had just sent for him.

His Excellency replied, that as that Hutt had been appointed for the Hospital Mates by the Governor and Council, it was his positive Orders, that the Key should not be given up to any person, but by his Directions; He at the same time desired Lieut Maclellan to tell Lieut Colonel Walsh, that he had given it under his Hand a very few days before, that the Regiment was as well quartered as the place could admit of; and that if he wanted any further Accommodations for the Regiment he must represent, but not to seize Houses by force which had been appropriated for other Services; otherwise his Excellency must try the Strength of the Governor and Council against him.

The Governor at the same time said, that he intended puting Mr Pemberton an Hospital Mate just arrived from Mobile into the Hutt.

Lieut Maclellan immediately waited on Lieut Colonel Walsh and delivered the Governor's Message.

The Lieut Colonel replied, that by certain powers of which he was possessed the sole command of the Garrison was vested in him, and that he would not beg where he could command, declaring at the same time that, if Lieut Maclellan would not give up the Key of the Hutt, he would break the door open by force, And that the Governor might order him into Arrest, if he pleased, for his (Lieut. Colonel Walsh's) part he did not care a halfpenny, or an Expression to that purpose.

Lieut Maclellan further adds, that he was afterwards informed by Major Bromley, that Lieut Colonel Walsh said, Mr Pemberton might have the Hutt, but he (Major Bromley) said, he did not understand, that Lieut Colonel Walsh receded from his point of disposing of it as he thought proper.

That a little after on Lieutenant Maclellan's going to look at the Hutt he found it broke open, and a Soldier of the 31st Regiment in possession of it. And that he was informed by one Mrs Humphries, that the Door had been broke open by Mr Powell, a Voluntier in the 31st Regiment, who was gone to get another Lock for the Door.

Whereupon the Governor stated various Propositions, which might be adopted, and then withdrew, declaring he would follow whatever Advice the Council should think proper to give him.

After some time spent in considering the matter, the Council were pleased to advise, that the following Letter should be wrote to Lieutenant Colonel Walsh by the Clerk of the Council.

Sir,

Information having been given to the Governor in Council, that you had directed a forceable Entry and possession on one of the King's Houses, which they had assigned for other purposes of Government, they have directed me, in Consideration of your Rank, to request the Reason by Saturday next, for so seemingly unjustifiable a Conduct, willing that more mature Reflection might correct any Inadvertency in the Contempt which is offered to them, and sincerely hoping that the Harmony, which subsists between the King's Servants, executing their respective Duties, may not be interrupted by any improper or immoderate Conduct on their part. I am,

Sir,
Your most obedient
humble Servant
(signed) Alexander Maclellan.
Clerk of the Council.

To Lieut Colonel Walsh commanding the 31st Regiment.

Janry 11, 1766.

Lieut Alexander Maclellan Barrack Master of West Florida made Oath to truth of the Information given by him on the 7th Instant, relative to a forceable Entry and Seizure of one of the King's Houses, made by Order of Lieutenant Colonel Walsh.

Mr James Thompson late from New York was examined upon Oath,

Question 1st Was you at New York during all the time of the Troubles concerning the Stamp Duty?

Answer. I was at New York during all the time of the Troubles, till the twenty-second day of November.

Question 2. When the people marched to attack the Fort, Who had the Command of it?

Answer. I understood that Lieut Governor Colden had the Command of the Fort, and I believe it was generally understood so in New York.

Question 3d Was there any of His Majesty's regular Troops in the Fort at that time?

Answer. There was.

Question 4th Is there any particular Circumstance which you can recollect, that leads you more positively to believe, that Lieutenant Governor Colden had the Command of the Fort?

Answer. The Body of the people had applied to Lieut Governor Colden for the Stamps in his possession, which he had refused several times.

I understood that the Magistrates had applied to General Gage to engage him to request, that Lieut Governor Colden should give up the Stamps in his possession to prevent Mischief, which the General did. Lieut Governor Colden declared, he would not give them up, that he was an old man, and did not care if they did storm the Fort; he would defend it. But I do not know, whether that Declaration was made before or after he received the General's Letter.

Elias Durnford Esqr was examined upon Oath.

Question. Did you see the Governor pass the Centinel this Day?

Answer. I did. His Excellency called me just before he came up to the Sentry opposite to Lieut Colonel Walsh's Door; the Sentry was standing with shouldered Arms, when the Governor passed; His Excellency asked the Sentry if he did not know him, and why he did not rest to him. Who answered, he had Orders not to rest to the Governor.

Upon which his Excellency made many long Observations, setting forth the Impropriety of the Behaviour of Lieut Colonel Walsh, and afterwards desired the following papers might be read; First, His Commission under the Great Seal; Secondly, a Letter from His Majesty's Secretary of State, the Earl of Halifax. Thirdly, The Resolutions of this Board and their proceedings on the same Subject. Fourth, A Copy of a Letter from General Gage to Captain Simpson dated 31st July 1765. Fifth, A Copy of a Letter from General Gage to Lieut Colonel Wedderbourne dated 31 July 1765, Sixth, Two Letters from His Excellency to Lieut Colonel Walsh relative to those Letters to Captain Simpson and Colonel Wedderbourne dated 29th and 30th of September 1765. Seventh, the Lieut Colonel's Answer to the above two Letters. Eighth, A Narrative of Lieut Colonel Walsh's proceedings in taking off the Centinels from the Door of His Excellency's House &ca Ninth, An Authentick Copy of the Order of the 20th February alluded to in the General's Letter. Tenth, Doctor Lorimer's Commission. Eleventh, Two Letters from Mr Adair. Surgeon and Director General of the Hospitals, the one to his Excellency dated the 22d day of August 1765. The other to Doctor Lorimer dated the 22d day of August 1765. Twelfth, His Excellency's Letter to General Gage relative to these Disputes, dated the 20th June 1765. Thirteenth, Two Letters from Lieut Colonel Walsh dated the 21st December, 1765 and 12th January 1766. Fourteenth, the Opinion of Edmund Rush Wegg, dated the 3d of May 1765.

And then His Excellency desired the Opinion of the different Members, on the Behaviour of Lieut Colonel Walsh, and particularly called on the Chief Justice, as the matter turned much on the legal construction of their respective Powers, where his Opinion from his Station must always command the greatest defference.

Mr Clifton declined giving any Opinion, But his Excellency pressing it as a Duty incumbent upon him to give some Opinion,

Mr Clifton then desired his Excellency might state his Question in writing, and he would give an Answer and subscribe it.

The Governor said he had no Objection to such a Mode, which he always intended in the Conclusion; but was in hopes to have received much Information by debating the general Subject first.

His Excellency then put the following Question.

Question According to the various papers and Authorities now produced, Who ought to have the Command of the Garrison of Pensacola?

Which received the Answers as below:

James Bruce's Answer. { When the Commander in Chief, or Brigadier General is not upon the Spot, surely the Governor has the Supreme Command of the Garrison, and is answerable for the same.

(sign'd) James Bruce.

Elias Durnford's Answer. { I agree with the Opinion of M^r^ Bruce and particularly as Lieu^t^ Colonel Walsh by Letter did give up the Command (until it was further decided by their Superiours) to His Excellency the Governor.

(sign'd) Elias Durnford.

William Clifton's Answer. { Seeing the ill Consequences that have already arisen and are still likely to arise from the unhappy Disputes, which did subsist between his Excellency the Governor of this Province, and the Officer commanding His Majesty's Troops, and which are likely to break out again, and being of Opinion that the respective Powers of the Governor and the said Officer commanding the Troops are such as are contained in his Majesty's Orders and Instructions, signified by Lord Halifax in his Letter of the 9th Febry 1765 to the Governor, and the subsequent Orders of General Gage.

The Subscriber therefore from his unacquaintance with military Matters, and his many Doubts arising in the premises, declines giving any Determination on the Question proposed, or any wise interfering in so critical an Affair, hereby dissenting from all Acts and Resolutions of this Board, that may be had or done contrary to His Majesty's pleasure and Instructions signified in the said Letter of Lord Halifax, and the orders of General Gage consequent thereon, as detrimental to the peace and Welfare of this Colony and greatly prejudicial to His Majesty's Service.

(sign'd) William Clifton.

John Hannay's Answer. It is my Opinion, that the Governor is Commander in Chief in his own Province, when the Commander in Chief of North America, or a Brigadier General is not upon the Spot.

(sign'd) John Hannay.

George Maxwell's Answer. In the Absence of the Commander in Chief of North America or a Brigadier General to whom that Command is deputed, the Governor of the Province of West Florida has the Supreme Command of all the Forts in his Province.

(sign'd) George Maxwell.

While the several Members were writing their Opinions; the Clerk of the Council acquainted them, he had received a Letter from Lieut Colonel Walsh; which was ordered to be read and is as follows;

Sir,

When the civil Governor and Council shall think proper to satisfy me, by what Authority they call upon me to answer for my Conduct in my own proper Department, particularly in regard to my disposing of the King's Quarters in the Fort immediately under my command, I shall return a fuller Answer to their Requests as communicated by you to me on the 7th Instant, and am,

Sir,

Your most obedient
humble Servant
(signed) Ral. Walsh.

To Lieut Alexander Maclellan.

Some Debate arising and the Day being pretty far spent, the Governor stated the following Queries, and agreed at the Request of Mr Clifton, that a Copy of them should be sent to each of the Members of the Council then present for their serious Consideration, and desiring to have their Opinions given into the Council by Monday next.

Query 1st Whether under the Construction of the Letter from General Gage to Captain Simpson, the House which was assigned by the Governor and Council for one of the Assistant Surgeons, can be considered as under the Direction of Lieut Colonel Walsh?

2d Whether Lieut Colonel Walsh, in withdrawing the Centinels from the Governor's Door, and also in directing, that the different Centinels should shew him no further Respect, has acted agreable to his Duty?

3d Whether the Governor and Council has not a power inherent with their Institution of committing any person to Prison who shall act in Contempt of their privileges, and the Authority which His Majesty has been pleased to repose in them?

4th Whether Lieut Colonel Walsh has not acted in Contempt of that Authority?

5 What is the proper Step to be taken under the present Situation of Things?

The Governor afterwards informed the Council, that as the Wolf King was near at hand with many of his Attendants it might be proper to shew him some of these military Honours, which these Chiefs always expect.

Resolved, That it is the Opinion of this Board, that the Governor should give such Orders as he may find necessary on the Occasion.

Janry 13th 1766.

The Members of the Council delivered in their Answers to the Queries proposed by the Governor in Council, on the 11th Instant, which were as follows, Vizt

The Answer of James Bruce Esqr

To Query 1st I am of Opinion, that none of the King's Houses can be considered as under the Direction of Lieut Colonel Walsh, until they are assigned as Regimental Quarters.

To the 2d It in my Opinion cannot bear a Doubt, that Lieut Colonel Walsh has disobeyed the King's Orders, signified to him by the Commander in Chief, General Gage.

To the 3d If the Governor and Council have no power to commit for contempt–, they must be (certainly contrary to the Royal Intention) a very contemptible Board.

To the 4th From what has as yet appeared to this Council, I think Lieut Colonel Walsh in taking forceable possession of a House assigned by the Governor and Council for other purposes, knowing it to be so, and afterwards refusing to answer these his proceedings, was acting in Contempt of their Authority.

To the 5th It is my Opinion that, in order to avoid the slightest Imputation of precipitancy, and to shew our Inclination of acting with the greatest Moderation, in these unhappy Disputes, that Lieut Colonel Walsh should be once more called upon before the Governor and Council to give his Reasons for acting thus in Contempt of their Authority; and should Colonel Walsh persist in refusing either to give his Reasons or come before them, I think they ought to exert their Authority in convincing Colonel Walsh, that they have a power to do in this Affair when forced to it. With respect to taking the Centinels away and shewing the other Marks of Disrespect to His Excellency, the Governor of this Province, as it is in direct Disobedience to a positive and standing Order of the Commander in Chief of North America; I think it lies entirely in the Breast of His Excellency the Governor to apply for that redress which the Rules of War point out. Upon the whole, as the puting in Execution the ultimate Powers of the Governor and Council with respect to Lieut Colonel Walsh, may be attended with very serious Consequences, if a more moderate Method of proceeding could be fallen upon, in order to conclude this Dispute for the present, until a final determination could be had from his Majesty upon these Matters, I think it should be adopted.

(signed) James Bruce.

The Answer of Elias Durnford Esqr

To the 1st Query. As the House possessed by Mr Browne Surgeon to the Hospital was not part of the Quarters, occupied by the Regiment under Colonel Walsh's Command, I do not perceive that General Gage's Letter doth give him any right or power over it.

To the 2d The withdrawing the Centinels and ordering no further Respect or Honour to be shewn to the Governor of this Province, is directly contrary to the Orders of the 20th February 1765, given at head Quarter's New York, by the Commander in Chief.

To the 3d I do imagine the Governor and Council of this province have a power of committing any person, who may act in Contempt of their Privileges or the Authority which His Majesty has been pleased to repose in them.

To the 4th Colonel Walsh's Letter of the 21st December in my Opinion gives up all right to the Disposal of the King's Houses, except those occupied by the Regiment under his Command; what particular Orders or Instructions he may have, since that time received I cannot say; but his Letter of the 11th Instant claims a Right of disposing of all the Houses within the Fort, and is couched in such Terms as makes me rather think it a Dispute about Command, than to be looked on, as meaning Contempt; but I do think a more polite Answer might have been sent to the Letter wrote to Colonel Walsh by His Excellency the Governor and Council.

To the 5th I look on this as a Dispute about Command; and as that hath once already much affected this Province, and may be attended with Consequences, very disadvantageous to the Colony, should any Measures be taken which may tend to disturb its peace; It is therefore my Opinion, that this entire Dispute should for the Peace and Welfare of the Colony be transmitted to England by the first Opportunity that His Majesty's further Pleasure may be more fully known on the limit of Power, which he invests his civil and military Servants with in this Province.

(signed) Elias Durnford.

Answer of William Clifton Esqr

May it please your Excellency,

Having already given my Reasons for declining to give any Determination, or to interfere in the matter in dispute, between your Excellency, and the Officer commanding His Majesty's Troops, I think I might be excused from saying any thing further on the Subject; but lest my Conduct, in this Respect, should be construed a disregard to His Majesty's Service, to which I have ever given the strictest Attention, I have therefore taken under Consideration the five foregoing Queries, or Propositions of Your Excellency; yet as the entering into a discussion thereof will, I apprehend, by no Means tend to a Determination of the grand point in dispute, which can only be effectually settled by the arrival of a Brigadier General, or further Orders from His Majesty, or the Commander in Chief in America, I shall take no Notice of the particular Questions stated; but give my Opinion, openly and freely on what I have always taken to be the real Question or Point in difference, that has so long disturbed the Peace of this Infant Colony: Viz^{t} Whether in all Matters relative to the Military Command and its Dependency, the Execution thereof should be by the sole Orders of your Excellency to the Officer commanding the King's Troops, or by the Orders of such Officer in consequence of Your Excellency's Application to him for the purposes required.

Now, Sir, if these may be effected, as well by your Excellency's Application to the Officer commanding, as by Your Excellency's Orders to him, that Method should be pursued, that may best answer the end of Government, and further the publick Service, and in Matters of doubt, as to the Right of issuing such Orders, no point of punctilio or Ceremony ought ever to interfere to the prejudice of His Majesty's Service, and the Welfare of the Province. It is therefore my Advice to Your Excellency, as a Member of this Board, that in all Matters of Military Concern, wherein the absolute power of Command is not specifically lodged in your Excellency by the Letter of Lord Halifax, (which as appears to me is only in giving the Parole, and the marching of Detachments in Cases of Emergency,) you do make Application to the Officer commanding the Troops for what shall be thought necessary for the Service of His Majesty, and the Welfare of the Province; and if he should refuse or neglect to act in consequence of such Application, the blame will then be at his Door; Your Excellency will be justified in the measure, and, as I apprehend, will suffer no Diminution in your Authority, as Governor, but if, on the contrary, Your Excellency, from a misapprehension of your power in this Respect, should endeavour to support the same by coercive means, tho' under the Sanction of a Majority of of this Board, you will run the Hazard of throwing this little State into Convulsions, hurting the peace of the Colony and risquing His Majesty's Displeasure; The Duty I owe to the King and my Office and Station at this Board, oblige me to deliver my Sentiments thus freely on so interesting a Subject, Which I do with all deference and Respect to your Excellency, and subscribe the same accordingly.

(signed) William Clifton.

Answer of George Maxwell Esq^r^.

By General Gage's Letter to Captain Simpson, the House assigned to the Assistant Surgeon by the Governor and Council, cannot be construed under the Direction of Lieu^t^ Colonel Walsh.

To the 2^d^ Lieu^t^ Colonel Walsh has not acted agreable to his Duty, in withdrawing the Centinels from the Governor's Door, nor in ordering the different Centinels not to shew him any further Respect.

To the 3^d^ It appears to the Subscriber, that the Governor and Council must have an inherent Power vested in them to commit any Person subject to their Jurisdiction, who shall act in contempt of their Privileges, and the Authority which His Majesty has been pleased to repose with them.

To the 4^th^ Colonel Walsh has acted highly in Contempt of that Authority.

To the 5^th^ The proper Step to be taken under the present Situation of Things the Subscriber is of Opinion, that as Lieu^t^ Colonel Walsh has acted in opposition to His Majesty's Orders, transmitted by General Gage, and in contempt of the Governor and Council, that they shall confine Lieu^t^ Colonel Walsh to his House, and invest the next Officer to his Command, till a regular Complaint can be made to His Majesty and the Commander in Chief of North America; the present unquiet Disposition of the Indians rendering it highly necessary for the Defence of the Province, that there should be a good Understanding between the Commanding Officers of the Corps, and the Governor and Council.

(signed) Geor. Maxwell.

Answer of John Hannay, Esqr.

In Answer to the first Query, it is clearly my Opinion, that even according to the Construction of General Gage's Letter to Capt Simpson, that the House appropriated by the Governor and Council for the Assistant Surgeon cannot be considered as under the Direction of Lieut Colonel Walsh. For it is clear by His Majesty's Commission to the Surgeon in Chief John Lorimer, now produced; as also Mr Adair's Letter respecting the Mates, that they are both immediately under the Command of His Excellency the Governor of West Florida; and General Gage's Letter to Captain Simpson goes no further than to import a direction over such Houses as have been assigned by proper Authority for Barracks to the Troops under the Command of Lieut Colonel Walsh, so that, without contradicting His Majesty's Signature, we cannot alledge the Surgeon or his Assistants are withdrawn from the immediate Command of the Governor, and therefore without a manifest perversion of common Sense we must suppose the Houses allotted them, upon the very principles of the General's Letter, to be also under the Direction of his Excellency, and not under the Direction of Lieut Colonel Walsh.

It is to be remarked in giving my Opinion on this Letter of General Gage's to Captain Simpson, I have considered it in the light of positive Orders to Colonel Walsh, on purpose to give the fullest Weight to every matter which can be alledged in his Justification; but at the same time, I am far from thinking the Letter will bear the Interpretation of Orders, or that ever it was intended to be seen as such; It came to our Hands by accident; it is directed to Captain Simpson; it was neither left here by Captain Simpson, or transmitted by him since. It seems more like the captious Comments of a Disciple of St Omer, than that decent and distinct Explanation on His Majesty's Orders, which was to be expected from the Commander in Chief of His Majesty's Forces in North America. If Colonel Walsh had considered the Letter in the light of Orders, how can he excuse himself for not having acted immediately under it. If he declined to act under it before, he cannot from any principle of Regularity Act under it now, until a further Explanation is obtained, without bringing the Imputation of Absurdity on his own Conduct and subjecting all things to the utmost Confusion.

In answer to the second Query; I think it is impossible for any Man to doubt in giving his Opinion, that Lieu^{t} Colonel Walsh by withdrawing the Centinels from the Governor's door, and also in directing, that the different Centinels should shew him no further respect, has not only been guilty of a direct Violation of the Order of General Gage of the 20th February 1765, but is also guilty of a manifest Mutiny, which is likely to prove of the worst consequences to this Province. For I take upon me to say, I know something of Indian Affairs, and if ever these Indians are taught to consider the Governor in the despicable Situation, Colonel Walsh would endeavour to place him in, and, in their phrase, as no Warrior, it will be impossible for his Excellency to have any weight with them; and I was an Eye Witness, since the Centinels was removed, of many of them being let into the Fort without His Excellency's knowledge, and rushing into his House as Dinner was going upon the Table, without his Privity. I say then, that, after this very Instance, let the Supporters of Colonel Walsh his Conduct say what they will, I have such Confidence in His Majesty's Justice and the Dignity of His Government in supporting the Authority which he has delegated to his Excellency, That I shall expect to see Colonel Walsh dismissed from the King's Service for this alone, if there was none other of the many Complaints against him.

Third. There can be no doubt that the Governor and Council, which is the supreme Court in this Province, has the power of committing for a Contempt of their Privileges and Authority, which power is incident to every Court as essential to its existence, but all Courts, and much more those composed of Bodies of Men, should be extremely cautious what they construe Contempt; for, unless it is well founded, they cannot be justified by the Common Senses of Mankind, who will revolt at every undue exercise of this power, which must from its very nature be left discretional; and therefore as Sir Mr: Foster says, "In a Govern- "ment like ours, Power, if it is but suspected to aim at Oppression "generally disarmeth itself; it raiseth and giveth Countenance to "a Spirit of Opposition, which falling in with the Pride or Weak-

"ness of some, the false Patriotism of others, and the Sympathy "of all, not to mention private Attachments, and party Connec-"tions, generally turns the Scale to the favourable side; and "frequently against the Justice of the Case, but always ends in "the ruin of the Person who exercised it."

Fourth. I think Colonel Walsh has wantonly and unprovoked acted in Contempt of the due and legal Authority of the Governor and Council; for in his Letter of the 21^{st} December he acknowledges the Regiment are as well accommodated as this miserable place will admit. On the sixth of January he orders this Act of Violence, in the same Letter he declares, he never did desire to dispose of the King's Houses; in the answer to the Letter wrote by direction of the Governor & Council, he says it is his proper department to dispose of the King's houses, such contradictions and inconsistencys are not to be pardoned in a School Boy, much less in a Person acting in the superior Station of a Gentleman.

It is certain the Allotment and Disposition of the King's Houses in this Province are in the Governor and Council, agreeable to His Majesty's Commission under the Great Seal of Britain, and also his Royal Proclamation; who denies or resists that Authority, is guilty of the most violent Contempt to His Majesty's Government, as established in this Province under the best Mode, the Circumstances of the Case could admit.

I am of Opinion, that this Board ought to advise the Governor to issue his Warrant to the Messenger of the Council to take into his Custody M^r Powell, for acting in Contempt of the Privileges and Authority of this Board. And they ought also to advise the Governor to issue his Warrant to the Messenger of the Council, to take into his Custody Ralph Walsh for acting in Contempt of the Privileges and Authority of this Board; and that a Letter ought to be wrote to Major Bromley to request his Assistance in apprehending the said persons.

(signed) John Hannay.

After some time spent in considering the General Subject, The following Motion was made by the Honourable William Clifton Esq^r Chief Justice.

Resolved, That it is the Opinion of this Council, that, considering the present ticklish situation of Affairs with the Indians, His Excellency should submit for the present, to the Steps which Lieu^{t} Colonel Walsh has taken, in seizing the Command of this Garrison; and further, that the Governor should demand, what Guards and Sentrys he shall think proper of Lieu^{t} Colonel Walsh, till His Majesty's Pleasure is known, and that the forceable Entry into the House allotted for the Assistant Surgeon, and Lieu^{t} Colonel Walsh's not giving the Reasons for his Conduct, when requested so to do by a Letter wrote to him by order of this Board, be taken no Notice of, till the King's Pleasure is known.

The Motion made by the Honourable William Clifton was unanimously rejected.

The following proposition was made by the Honourable James Bruce Esq^{r}

Resolved, That it is the Opinion of this Council, that considering the present Situation of Affairs, and a number of Indians now surrounding this Garrison, that the further Consideration of the Behaviour of Lieu^{t} Colonel Walsh should be postponed, till the twentieth of this Month; and that in the mean time his Excellency should demand of Lieu^{t} Colonel Walsh a Guard, Centinels, and such other Honours as he shall see necessary for supporting the Dignity of his Government during the present Meeting with the Indians, and at all times hereafter as settled by His Majesty in Council, and transmitted by the Commander in Chief from Head Quarters, dated the 20th February 1765; all which advised to be done only for the present Emergency without any prejudice to the Rights which the Governor ought actually to possess.

January 20th 1766.

The Council then reassumed the Consideration of the Behaviour of Lieu^{t} Colonel Walsh, and the several Papers relative thereto were again read for the Information of Lieu^{t} Governor Brown.

A Motion was then made, that Lieu^{t} Colonel Walsh should be taken into Custody for a Contempt of the Privileges and Authority of this Board.

Upon which M^{r} Clifton delivered his Opinion as follows:

That I apprehend this Council Board has no power to call any person before them, to answer for any Offence, and in Default of appearing, to commit for Contempt; but must proceed in the ordinary Course of Law.

The Governor begged leave to dissent from that Opinion in the following words;

I do protest against this Opinion of M^r^ Clifton, which would destroy the very Essence of the Institution of the Governor and Council, which is now established in this Province, as well in a judicial as in a Legislative Capacity, and is in all things the superior Authority, to inspect the Conduct of all others, and particularly of the Chief Justice himself; and that without the power of summoning persons to attend, and punishing them in default, there can be no Examination into any matter, or thing transacted in this Society; but at the same time declared, as they could not be too cautious in the Exercise of a Power, which arises partly from the nature of their Situation, was equally willing to proceed in the common course of Law, and therefore desired the Motion might be withdrawn.

The Council then came to the two following Resolutions, on which the whole agreed, except M^r^ Clifton, who said, as he had dissented in the beginning, so he still continued to do, from any thing which could be done by the Advice of the Council against the Behavior of Lieu^t^ Colonel Walsh.

Resolved That it is the Opinion of this Council, that in consideration of the Opinion given by M^r^ Clifton, that this Board has no power to punish for Contempt, That his Excellency should make application to the Justices of the peace in the common course of Law.

Resolved That it is the Opinion of this Council that his Excellency should forthwith order Lieu^t^ Colonel Maxwell to march hither with such a part of the Regiment under his command, as will give him the Command here, and that upon his Arrival, application be made to him for confining Lieu^t^ Colonel Walsh, for Mutiny and Disobedience of Orders.

Resolved, That it is the Opinion of this Council, that, if the person of any Member of this Board be attacked, the Council should proceed immediately to commit the Party concerned.

February 1st 1766.

The Governor acquainted the Council, that, agreable to their Advice, he had ordered Lieut Colonel Maxwell hither with the principal part of His Majesty's 21st Regiment, in order to confine Lieut Colonel Walsh for Mutiny and Disobedience of Orders; That Lieut Colonel Maxwell with the principal part of His Majesty's 21st Regiment had accordingly come into this Bay on Board Vessels hired for that purpose; That the Governor in prosecution of the Advice of the Council had ordered him to land, and march into this Garrison; That the said Lieut Colonel Maxwell and the major part of the 21st Regiment had accordingly landed, and were proceeding into this Garrison; when they were stopped on their March by Lieut Colonel Walsh, shutting the Gates of this Garrison against them, and ordering the Artillery to be landed, and the Troops under Arms, to oppose their passage; That all things were tending to the utmost Confusion, and the perfect Interruption of the regular Course of Government; that all Egress and Regress were denied him (the Governor) or his Attendants out or in of this Fortress; that during such Convulsions of Government he had gone to look for the Justices of the Peace, without being able to find any that were qualified; That the Affidavit he produced had been made before him by Mr Primrose Thompson; That he apprehended the Conduct of Lieut Colonel Walsh did amount to high Treason; That in Consequence he had issued his Warrant to the Provost Marshal for apprehending the said Ralph Walsh to be examined before him and the Council touching his Behaviour; That the Provost Marshal from seeing so many Men in arms had expressed some doubt of Resistance; that in Consequence, the Governor had gone and apprehended Lieut Colonel Ralph Walsh himself, and delivered him to the said Provost Marshal; That he had called on Mr Durnford, and carried him to the Gates, to be a Witness, that all Egress and Regress was denied him.

That soon after Lieut Colonel Walsh had been committed to Custody of the Marshal, the Gates of the Garrison were opened, and the 21st Regiment admitted.

That Lieut Colonel Walsh was now in Custody to be examined before the Council, if they thought proper; That, altho' the

Governor never would admit, The Governor in Council had not full powers to bring all persons before them for Examination touching Crimes against the Province, or the State; yet, now the common Channel of Justice was open, he never desired to have recourse to extraordinary Powers, when the common Methods would do.

Whereupon Mr Primerose Thompson was called in, sworn, and examined relative to the Affidavit he had made, which he confirmed.

Elias Durnford Esquire was also examined upon Oath, and declared, that his Excellency came to him, and asked him, if he was qualified as a Justice of the Peace, to which he answered, No. The Governor then desired him to go round the Garrison with him, and to take Notice, that all the Gates were shut, and every Avenue to the Common Course of Justice stopped up; That the Deponent heard the Officer of the Guard declare, he had Orders not to open the Gates to any person whatsoever.

The following Resolution was then proposed,

Resolved, That it is the Opinion of this Council, that, in the Emergency that then prevailed, the common Course of Justice being cut off, and to prevent the Bloodshed which might have ensued, that His Excellency the Governor acted properly in issuing his Warrant to apprehend Lieut Colonel Ralph Walsh,

To which Mr Clifton begged leave to dissent.

Lieut Governor Brown said, that it was so very delicate a Point, that he declined giving any Opinion in the Affair.

The rest of the Members acquiesced in the Motion.

Resolved. That as the Channel of Justice is now open, that it is the Opinion of this Council, that Lieut Colonel Ralph Walsh should be taken before the Chief Justice, to be dealt with according to Law.

February 8th 1766.

The Minutes of the preceding Council having been read, and sundry Letters which passed between the Governor and Colonel Maxwell,

The following Motion was made by His Excellency the Governor, *Resolved* That it is the Opinion of this Council, that as Lieu^{t} Colonel Maxwell has declared under his hand, that he cannot comply with the Order of the Governor made by advice of this Council for confining Lieu^{t} Colonel Ralph Walsh, in order to bring him to a Cour^{t} Martial for Mutiny and Disobedience of Orders; and that he (Lieu^{t} Colonel Maxwell) has also declined taking the Command of His Majesty's Troops in this Garrison, as it was his Duty to have done, that therefore, as the Benefit, intended to this Province, cannot be derived from his presence here, the Governor should grant his Permission for the 21st Regiment to return to Mobile, that His Majesty's Service in that part may suffer no Detriment.

M^{r} Clifton said, as he had dissented from the Order for sending for Lieu^{t} Colonel Maxwell at a former Council, he now readily acquiesc'd in the Motion made for his returning to Mobile.

Lieu^{t} Governor Brown gave it as his Opinion, that as Lieutenant Colonel Maxwell knew perfectly well what he was sent for here, and that upon his Arrival here he did not execute the Service which he was ordered here to perform, he should be permitted to return with the Troops under his Command.

The other Members present acquiesced in the Motion, as proposed by His Excellency the Governor.

February 25, 1766.

M^{r} Maclellan, addressing himself to the Governor, acquainted him, that he had a Complaint to make to the Council, if he might be permitted to repeat it.

The Governor asked, if it was relating to any Breach of the Privileges which His Majesty had granted to the Members of that Board. M^{r} Maclellan having answered he believed it did not immediately regard those Privileges,

The Governor begged as he had Matters of a publick Concern of the greatest Consequence to lay before the Council, which could not admit of delay, That therefore he might not be interrupted by any secondary Consideration; that he was always willing, as it was his Duty, to hear the Complaint of every person, where it came properly before him; That, if M^{r} Maclellan would be pleased to wave his Application for the present, the Governor gave his word and Honour, he should be heard as soon as the more material Business could be dispatched. Mr Maclellan having acquiesced.

His Excellency then presented to the Council a Petition from several of the Inhabitants, which he said had just been put into his hands, and proposed, that the Council should immediately go on the Enquiry. The former Minutes of Councils were therefore inspected.

Resolved Unanimously, that no Order of Council is subsisting for obliging the Inhabitants of this Province, who are desirous of taking up Land, to apply to the provincial Secretary to have his Petition drawn, neither was any Fee ever mentioned in Council respecting such Service.

Resolved That the Fact concerning the same appears to be as follows.

That some difference in Opinion having arose in Council between His Excellency and the Honourable William Clifton on the twenty third day of December 1765 concerning the Form of the signing of Grants of Land. Mr Clifton had dropt an Expression, importing that his Advice in the regular Modes of proceeding was generally rejected at this Board, notwithstanding they were founded on the Forms of the Province of Georgia, to which the Governor was directed to have particular attention by His Majesty's Instructions; That immediately subsequent to this Declaration, three several Petitions were taken up to be read by the Clerk of the Council, none of which were intelligible to the Council as to the place described, neither were they in any Measure correspondant to the Terms of His Majesty's Instructions, which had been published to the whole World. That thereupon Mr Clifton did observe such unnecessary trouble, both to the Clerk and to the Council, and even to the Parties themselves (in loss of a day's Attendance and nothing done) arose from not following the Forms in Georgia, where persons inclining to take up Land are obliged to make Application to the Clerk of the Council, who is directed to examine and prepare their several Requests in the due Form of Office. And accordingly he recommended that Method in this Province; and that no Petition should be received, that was not drawn by the Clerk of the Council.

The Governor then said, to shew that he did not wish to contradict every proposition which came from Mr Clifton, he was very willing, that this should be the Mode here, tho' he begged leave to dissent in Opinion, from making the same, any Order of Council; for that he did apprehend the Governor and Council, neither had Authority to order the Clerk of the Council to draw the Petitions of the Inhabitants, nor Authority to order the Inhabitants to apply to the Clerk of the Council for that purpose; That in all publick Boards, Men soon found out their own Conveniences in applying to the Officers of the respective Boards for expediting their Affairs; But this was a voluntary Act in them; and that he apprehended every Man was free to draw his own Petition, which would be rejected, if erroneous, and accepted as his Right, if properly drawn.

Mr Clifton then said, he would send the Georgia Form to the Clerk of the Council, and this was all that passed about the Matter, while the Members were sitting, as Mr Durnford was then absent, and a Quorum of the Council could not be then formed.

Upon the rising of the Members Mr Maclellan said, if I am to draw, examine and engross their Petitions, It is an additional Trouble and Expence to my Office, not marked in the List of Fees.

The Governor desired him to settle the Fee with Mr Clifton, as a Quantum meruit, when he received the Form.

Mr Maclellan declares he did ask Mr Clifton, who said he thought a Dollar was not unreasonable.

Mr Clifton says in return, that he does not remember this Circumstance of Mr Maclellan speaking to him concerning the Fee; but that the Fee in Georgia is sixteen or Eighteen pence for that Service, besides the other Fees attending it.

Mr Robert Collins, Clerk to Alexander Maclellan, was then called in, and examined upon Oath; who deposed, that the Reward he was directed to take by Mr Maclellan for drawing and engrossing the Petitions of such of the Inhabitants as applied to him, for that purpose, was the sum of one Dollar, and that he never did take more for that Service. Upon being shown the Petition, in which several of the Inhabitants had alledged he had taken five Shillings and sixpence, he declared he never had, and that he apprehended they did include the searching the Council Books, to see what was granted and what was not, which was quite a separate Service, and some of them would even insist on seeing the Books three times a day.

That with respect to the Subscribers, except for drawing Petitions for William Satterthwaite for a Grant of two hundred Acres of Land, and William Barrow for a Town Lot, he declares, he had never received any Money for drawing their Petitions.

Resolved That the Governor should communicate these Facts to the Inhabitants in Answer to their Petition.

February 26 1766.

The Governor acquainted M^r^ Maclellan. that by permission of the Council he was at Liberty to relate the Complaint, which he had formerly said he had Occasion to make.

M^r^ Maclellan then made the following Complaint;

His Excellency the Governor made a Motion in Council on the 11th of February, That the Grant which had been signed in the preceding Council in favour of M^r^ Brown and others might be again brought into the Council to be examined. As a Mistake had happened in reserving one House in place of another for the use of the Pilot; That the said Grant was accordingly produced, when, after some Arguments on the Subject, The Honourable William Clifton Esquire, a Member of this Board, having the Grant in his Hand, did afterwards throw it down in a contemptuous Manner, "saying, I aver, that this "is not the Grant that was signed in the preceding Council."

Which Assertion the Complainant thinks could only bear either of the following Constructions. Viz^t^ That the Clerk of the Council had made out a new Grant, and forged the Governor's Name, or had, with the Governor, connived at making out a new Grant with some fraudulent View; either of which Assertions are of too black a nature to be looked over by a Gentleman in the publick Offices, which M^r^ Maclellan has the Honour to fill. It is scarcely necessary to say anything to prove the Injustice of these Assertions; As the Fiat, from which the Grant was made, was upon the Table; and in it the Mistake, which the Governor wished to remedy, was evident, and the Stamp Master declared, that at that time no Stamps of the Value directed for such Grants had been given from his Office, except that on which Mr Brown's Grants were wrote.

That Mr Maclellan should have immediately made his Complaint, had not the Council been then met on particular Business; but that he took the very next Opportunity to request that Redress, which he has the greatest reason to expect, from the just and equitable Conduct which has ever marked the proceeding of this Board.

The Governor then said, he had something to offer on this Subject, which he thought might put the Question on another footing, nevertheless as it was the undoubted right of every Officer of this Board to complain, and of every Person accused, to have the Privilege of answering, he would not presume to speak, unless Mr Clifton consented thereto before he delivered himself.

Mr Clifton having given his Consent,

The Governor then said he was sorry, that this Complaint had been introduced; That the Affront complained of was far more severe against his Character than even that of Mr Maclellan, as it could not be supposed, in the Station he fills, he could have passed over an Affront of such Notoriety; but as all sense of Government seemed to be lost in the late Convulsions, it was prudent and proper that Men should cool and reflect before any other Matters were offered to the publick Consideration; That, by postponing a little, Matters were not entirely forgot. He did intend to lay before this Council Accusations against Mr Clifton of a more extraordinary nature than even that complained of, but of which that should be a part; That it was the undoubted Business of the Council to protect the Character of their Officers, and more particularly that of the Clerk of the Council, upon whose Faith, in publick Transactions, depended the Validity of all their Proceedings; The Governor concluded with saying, that in Case Mr Maclellan chose to wave the matter for the present, he might depend that Enquiry would be made in the accumulated Charge; but if either he or Mr Clifton chose now to proceed upon the Question or Complaint, he was ready to hear them.

Mr Clifton then desired to say a few Words in Answer; He first observed, that he thought Lieut Governor Brown, who was principally concerned, and who is a Member of this Board, should have been present at this Accusation; that he recollects, when Mr Brown mentioned that he had seen the Seal annexed to the Grant, that he (Mr Clifton) then said it was not the same, but denies that he avered it not to be the same; that he had no Intention of casting any Reflection upon any Person at this Board, much less on his Excellency, who as he had through Mistake, as he (Mr Clifton) apprehended, signed sundry Grants out of Council, and not thinking it necessary to have them signed in a presence of the Quorum of the Council, he might through the same Misapprehension have signed a fresh Grant, as the former was still in the Secretary's Hands.

The Governor said, that it was not from any Misapprehension, that he had signed the Grants out of Council; that he apprehended he might sign the Grants at any part of the Province, provided the tenor was according to the Advice of the Council, before obtained in their Minutes from whence was derived the Order to the Surveyor, called the Warrant of Survey, from whence was derived the Fiat, and from whence was authenticated the Grant; That the Governor was responsable, that the Grant he signed was agreable to those Authorities, without which it was not valid; but as to the place where it was signed, provided it was within the Government, he regarded that of no Effect in Law, Equity, or common Sense.

Mr Clifton then said, agreeable to the Power given to His Excellency in his Commission and Instructions, and the practice of Georgia and South Carolina; he did assert as a Lawyer, that every Grant of Land, which is not signed by the Governor in the Presence of a Quorum of the Council, is invalid in Law.

Mr Clifton then proposed to withdraw; but before he went, begged leave to acquaint the Council, that they were not a Court of Star Chamber, or Inquisition; That they had no Power of calling any person before them to answer, neither could they punish Contempt in any of their Members, but by Suspension; That he was responsable to the King, and none others for his Conduct; That the Board might transmit any Charge against him, but had no right to call upon him to answer.

Resolved By the Members of this Council, who were present in Council on the eleventh of February as follows,

That Mr Clifton, upon looking over the Grant in question, did throw it down upon the Table in a contemptuous manner, and said; That is not the Grant that was signed by the Governor, the preceding Council.

(signed) James Bruce.

That Mr Clifton, after looking at the Grant, threw it down on the Table saying, it was not the Grant signed by the Governor in Council, at the same time taking notice that it was wrote lower down.

(signed) Elias Durnford.

That Mr Clifton did assert the Grant, then before the Council was not the same which was signed in Council by the Governor, the preceding day of meeting, and gave for cause of his Assertion, that the real one was wrote lower down.

(signed) Geo. Maxwell.

That Mr Clifton after looking at the Grant in Question threw it down upon the Table, and said, I do assert that this is not the Grant which was signed in Council, the preceding Council day; as a proof of which he said, that the Grant signed in Council the preceding day, was wrote two or three Lines nearer the Bottom.

(signed) John Hannay.

The following Certificate was then produced in Council by Mr Blackwell, Distributor of Stamps, which was as follows.

These are to certify, that Alexander Maclellan Esquire, has not received more than two Stamps at the Stamp Office at the rate of one pound Sterling each, since the Stamp Duty took place. As Witness

(signed) John Misdale.
Depy Distribr of Stamps

dated Pensacola
Febry 26th 1766.

Upon which Mr Maclellan begged, that the Governor and Council would be pleased to observe, that the Grant to which his Excellency has objected; was wrote upon one of these one pound Stamps, which now lay upon the Table for the Inspection of any Member of the Board; and that the Grant, which actually did issue to M^r^ Brown and others, was drawn on the other.

His Excellency the Governor, then said, that he thought the Affair now in Question had been too much precipitated, and proposed that the further Consideration of it should be deferred, until Monday next the third day of March.

Which was unanimously agreed to.

From Governor Johnstone to General Gage.

Copy. Nº 3.

Pensacola. 20th June 1765.

Sir,

On the 20th of May, I received a Letter from the Earl of Halifax, signifying His Majesty's most gracious Decision, for preventing in future all Disputes between His Civil Governors on the Continent of America, and His Military Commanders respecting their different Powers.

Next Morning I sent the enclosed Letter Nº 1 to Captain Simpson, to which I received no Answer.

Some Doubt, it seems, had arose, whether an original Letter from His Majesty's Secretary of State, signifying The King's Commands, could be obeyed, untill it had been transmitted by you.

As it was a becoming Part in me on receiving so clear a Decision in my Favour to conduct myself with Modesty and Moderation, I therefore requested of Lieut Colonel Wedderburn, who was here on a Visit, and likewise to assist at the Congress, to go and represent to Captain Simpson the Absurdity of such a Doctrine, the dangerous Consequences of it, and the Affront to the King, who, in His very Commission, commands Obedience to all such Orders, "as you shall receive from *us* or any other your "Superior Officer;" and therefore, the Question only turned, Whether The King's Secretary of State was an Authentick Channel or not?

After gaining this Point, Captain Lieu^t^ Bamford, the Fort Major, waited on me for the Parole; I told him that I expected M^r^ Simpson would have waited on me with a Return of the Regiment, and a State of the Garrison; & that the Keys should be delivered to me; and I begged he would acquaint Captain Simpson with my Message.

Next Morning M^r^ Bamford came for the Parole again, and brought me the Return of the Regiment. I told him that I had waited three Days for their Decision on a Matter that was as clear to me as the sun at noon Day; That I would not proceed in that Farce any longer, of giving out an empty Sound, without receiving the Keys of the Garrison or any Report of the Guard; That the Indians were now assembled, and the Business of the Congress gave me sufficient Occupation; and that it was undoubtedly a very bad Time for any Dissensions about Commands to subsist. Nevertheless, as the Gentlemen of the 35th Regiment seemed resolved to embarrass me in every Point, I would convince them I knew how to maintain the Authority intrusted to me; and that the Moderation I had hitherto shewn did not proceed from Pusillanimity.

It happened also about this Time, that I had occasion to write the Letter No 2 to Captain Simpson; For as those Gentlement had taken the whole Direction of The King's Houses, and every Subaltern Officer had seated himself in a House, I had not a Place, except the Apartments where I live, to appropriate for any one Purpose of Government. And Your Excellency may judge of the Embarrassment and Expence, which I have underwent, when I acquaint You, that I have often had forty, seldom less than twenty, under my Roof, besides the Indian Chiefs.

Inclosed is the Answer which I received from Captain Simpson, as also my Letter in Consequence. Then follows the Proceedings of the Council thereon, which occasioned my applying to Sir William Burnaby for Sixty Mariners, and ordering Lieut Colonel Wedderburn to send round a Detachment of the 22d Regiment from Mobile; so that, upon their Arrival, he might take the Command of the Troops here upon the Doctrine of Captain Simpson himself.

The Mariners were accordingly landed, and the 22^{d} Regiment arrived in seven Days.

It was often said, they would not be permitted to enter; But having taken every necessary Measure to force their Passage, in Case of Resistance, the Detachment of the 22^{d} Marched into Garrison without any Molestation.

As soon as the Detachment appeared on the rising Ground, the dreadful Consequences of such Conduct began to appear in a proper Light to the Gentlemen. who had been guilty. A Negotiation was set on Foot. Colonel Wedderburn, who certainly has the most conciliating Temper of any Man breathing, was the Chief Instrument and Intercessor.

In short, M^{r} Simpson & M^{r} Downman asked my Pardon before all the Officers of the Garrison, and Cap^{t} Bamford made a private Concession. they agreed to give up the Keys of the Garrison, and to construe the King's Decision agreeably to common Sense; upon which I forgave them.

As soon as the Congress was over, the Detachment of the 22^{d} returned to Mobile, and all has been Decency and Quietness since.

I was in some doubt, whether I should have communicated those Occurrences to Your Excellency, or not: But as I foresaw some Orders that passed on the Occasion must be transmitted, I thought the mean to be pursued, in Justice to myself and in Honor to Cap^{t} Simpson was, to relate the Fact in a private Letter.

I forgot to acquaint Your Excellency, that, during the above Dispute, Captain Lieu^{t} Bamford desired to resign acting as Fort Major; I told him I could not accept of his Resignation; He insisted, as he acted without a Commission, he could give it up when he pleased. I denied the Principle. However upon the Compromise I agreed, if he would write a Letter requesting to resign, that he should be indulged. And as I saw by your Letter to Major Farmer, that You thought such an Officer absolutely necessary, I appointed Lieu^{t} Maclellan of the 34th, who is Barrack Master of the Province, to act as Fort Major, untill Your Pleasure should be known.

I am, with the most perfect Respect,
Sir,
Your Excellency's
Most obedient and
Most humble Servant,
(signed) George Johnstone.

His Excellency the Honble
Major Genl Thos Gage, &c. &c. &c.
Copy.
Primerose Thomson Secry.

From General Gage to Captain Simpson.

Copy. No 4.

New York 31st July 1765.

Sir,

I have received your Letter of 27th & 30th of May, containing Letters that pass'd between you and Governor Johnstone, relative to the King's Orders concerning the Governor's Authority over the Troops, with many other particulars relative to your disputes with the Governor which I shall answer Paragraph by Paragraph; first, telling you, that it gives me concern to find you have not better supported and carried into execution the King's Orders relative to these matters, and thereby endangered his service to be thrown into the greatest Confusion.

I pass over Lord Halifax's Letter to Governor Johnstone with the Copy of His Majesty's Orders, and shall begin with the Governor's Letter to you, wrote after the Receipt of the above Orders, and dated 23d of May last; what Houses they are, which are occupied or by what Authority they are placed in them I don't know.

Supposing them Barracks allotted for the Troops, they are under your Care, Orders, and Inspection, & strictly speaking the Governor has not in that Case anything to do with them, and his order relative to the removal of Officers not legal being out of his Jurisdiction; I speak this in the strict sense of this matter, but see no reason why his desire should not be complied with, in Cases of necessity and where no detriment is to happen to the Service.

The Governor's second Letter to you of the 23^{d} of May, requiring what specific Orders you had received from me, or your Orders to the Garrison, I can't see relates to him; if he wants any thing of the Troops, he is to apply to you; and if anything is demanded contrary to specifick Orders from me, you are to declare your Reasons why you can't comply with the Governor's demands. As for the Surgeon it was a regimental Affair, and in your own Breast. You was answerable to me that you did not exceed the Powers of an Officer commanding a Corps to the prejudice of the Service.

I agree with you, as every Man in his senses must, that by the King's Orders the Governor is not to interfere with the detail of regimental Duty; that the Governor's and Council's powers over the Troops are limited, and that the Governor is not vested with the supreme Command of the Troops. The Order plainly points out to what particulars his power extends, and no further; it needs I think very little explanation; did any Man ever see a Command given in such terms? if the King had designed the supreme Command for the Governors, the Command would have been given them in very plain terms, that could not admit of doubt. But it must appear evident to every Person in his right senses, that His Majesty never did intend the Governors should have the supreme Command, which they never have had ever since the Troops came to America; but disputes happening in West Florida only, and considering that in critical Circumstances it might be for the Benefit of their Governments that the Governors and Council should have certain Powers vested in them over the Troops in their respective Provinces, and to add in some sort Dignity to the Governors, the King thought proper to issue the Orders in question, and to prevent all Disputes in this matter as much as it was possible, His Majesty has taken the Pains to be so very explicit in the Order, as to point out exactly the particular Powers they are invested with, and beyond those the Governor's and Council's Authority over the Troops does not extend; and very lucky for the Service it extends no further, or everything must be thrown into confusion, which no doubt His Majesty's Wisdom foresaw, and was the occasion of the Order being penned in so exact a manner; and it is astonishing to me, how strangely it has been perverted, when the Sense and meaning is so clear; and I can't help further expressing my surprize, that Lieutenant Colonel Wedderburn and yourself, Officers in the King's Service and used to military Orders, should act in the manner you have done; the first to presume to give far fetched Interpretations upon an Order of the King's exact, positive & clear; and you to have given up all Power over the Troops intrusted to your Command, contrary to your Opinion.

Your Letter to the Governor of the 23d of May I approve of in general; but you might have civilly told the Governor with respect to the Quarters, that you was desirous to do everything agreable to him, and would endeavour to change the Quarters as he had desired.

Lieutenant Downman said right, that he was under your orders and should only have obeyed those which came thro' you. You will obey no Orders respecting Honours, but those sent you of the 20th of February last; but no disputes should be had on account of such a Trifle as an orderly Serjeant or any thing of the kind, if at any time the Governor desires such a thing.

In the Governor's Letter of the 24th of May, he exceeds his Powers very much; no Officer commanding any where is to submit to an Arrest, but by Order of the Brigadier, or Officer commanding in his District, or from a superior Officer, on whom he depends, & from whom he is detached, or the Commander in Chief.

Your Message to the Governor by Lieutenant Cockburn, as you have related it to me, was decent and proper; and from that Opinion you should never have deviated, notwithstanding the contrary Opinion of any Persons whatever.

You next give me the Governor's Orders to the Garrison of Pensacola, dated 25th of May; the first part of it you should absolutely have refused, as I know of no general Orders to be given to the Troops in America to come legally thro' any Person but the Commander in Chief; I have sent you long ago the King's Orders contained in Lord Halifax's Letters; and it was time enough for you to have inserted it in Orders when you received it from me; I am intrusted to publish such Orders, as the King thinks proper to send to His Forces in America, and am answerable for the execution of them; and I absolutely forbid the inserting any general Orders for the Troops in America but such as shall come from me to the Officers under my Command duly authorized to receive and publish the same.

The next Article belonged to you as commanding the Regiment, and third Article was only to come thro' you, and the Town Major had no business to make Reports but thro' you; the Guards the Governor desired were to be demanded of you, and it was your Duty to furnish as many as your numbers allowed; all which under your Command and to receive Orders from you, as well as the Marines, who joined you, unless commanded by a superior Officer; the Guards and Centinels turning out to Field Officers &c^a was interfering with Discipline, which the Governor has no business with.

I have already given you my Opinion about publishing the King's Order relative to the Powers he has assigned the Civil Governors over the Troops, and wish you had waited my Orders thereupon.

You told the Governor properly, that by the King's Order all Reports were to be sent thro' you, and if you had followed your own Opinion, and not troubled yourself about that of Lieutenant Colonel Wedderburn, or any other Person, you would have done your Duty. The Governor putting you in Arrest exceeds his Powers, as I have already explained.

You did right to send orderly Serjeants to the Governor at the Congress, not that he had strictly any right to it, but as he desired it, and that it was agreable to him, and they might have been usefull to him on such Occasions.

The Town Majors returning the Parole to the Governor was right, and he should at the same time have reported from you any thing extraordinary worth his Notice after the Guards were relieved. I highly disapprove of the Town Major's conduct in resigning his Employment to a Person, who had no right or Power to receive it; he had that Employment with my Approbation, and I can't but resent his presuming to resign, but with my Approbation, or, in case of necessity, to have made Representation to you, who only had a right to nominate another to replace him, till my Sentiments were known; it's my Order that he does immediately resume his Employment, till he makes proper Application to resign it to Brigadier Bouquet.

I can't enter into the reasons that might have induced Lieutenant Colonel Wedderburn to order a Detachment of the 22^d^ Regiment to Pensacola from Mobile; the Governor might judge it for the benefit of his Government during the time of a Congress to send for a Detachment of that Regiment, which he is certainly empowered to do, and I make no doubt, that it was a right Measure; but Lieutenant Colonel Wedderburn had no business from his Post, and if his Opinion is such as you relate, I must desire him not to presume to scan, interpret or pervert the King's Orders, but obey them implicitly.

If Lieutenant Colonel Wedderburn has been so rash as to put you in Arrest for obeying the King's Orders, he must answer for the Consequences, the only Fault you are guilty of is in perverting, by persuasion of others, the Orders of the King transmitted to you by me; your Orders of the 16th of May were very proper, and I hope obeyed punctually.

You next give me your Note to the Admiral, and the worst thing you have done was to refer the Affair to others, and to follow Opinions so strange and extravagant, in contradiction to your own Opinion, in Matters laid down to you in plain, comprehensive, intelligible Terms, that required not the assistance of any Commentators.

I think you have perfectly understood the King's Orders contained in Lord Halifax's Letters; but that you have suffered yourself to be persuaded out of your understanding.

I hope Brigadier General Bouquet will be arrived before this reaches Pensacola, but I have notwithstanding thought proper not only to send you my Opinion of the Matters in Question, but to acquaint you, that I look upon what I have said to you as positive Orders given to you, or other Officers in like circumstances for the regulation of your Conduct hereafter, and which you will please to make known to those under your Command, as I expect an Obedience thereto from the whole.

I am
Sir
Your most obedient
humble Servant—
(sign'd) Thos Gage.

Captain Simpson comm:g
35th Regiment, Pensacola.

A true Copy. } Pensacola
27th January 1766.
Primerose Thomson Secry:

From General Gage to Colonel Wedderburn.

Copy. No 5.

New York July 31st 1765.

Sir,

Being informed by Letters from Pensacola that Disputes have still subsisted relative to the Command over the Troops notwithstanding after the first Report made to the King of the differences in this particular between the civil Governor and the Officers commanding the Troops in West Florida, His Majesty in order to prevent future Disputes of that nature had taken the Pains to ascertain as exactly, distinct and plain as possible, the particular Powers with which he was pleased to invest the civil Governors over the Troops; the King's Orders in this respect have been transmitted to you as well as to the Officer commanding at Pensacola, and I had reason to hope after receipt of the same, that everything would have gone quiety and the Service carried on with chearfulness, I am sorry to find His Majesty's hopes therein are still disappointed, and I think it high time for me to interfere to fulfill the King's Intentions and prevent the confusion that must otherwise ensue in the military Service in the Province of West Florida; for all those matters create no Dispute or Disturbance in any other Government; and I think it more particularly incumbent upon me to send Orders to you on this Subject, as by the Letters received from Pensacola I am given to understand, that it is in great measure thro' your Comments, Explanation & Arguments upon the King's Orders relative to the Powers with which he has been pleased to invest the Governors and Councils, that His Majesty's intentions in that respect have been perverted.

I am well aware of the Inferences that may be drawn from the Circumstance of Parole; but I am to acquaint you, that it is in the King's Power, which I believe you will not dispute, to give that shew of Command by way of Compliment to any Person he chuses, and at the same time limit and circumscribe his Powers as to many Essentials; this His Majesty has done by His Orders and has given such Powers only to the Governor and Council as he judged might be for the benefit of their Provinces, taking the greatest care to shew in what particular Instances they may give Orders to the military Commanders of the Troops.

No Governor upon this Continent, except of Nova Scotia, who was a military Man, and who was immediately under the Orders of the Commander in Chief, ever had any Command over the Troops during ten Years that I have served here; Governor Johnstone thought he had a right to it, which was contested by the Officers commanding, and the Disputes were laid before the King, who, to prevent all Disputes hereafter, has thought proper to give his Orders in the most distinct and clear Manner, pointing out in what Circumstances, in what Particulars, and in what Manner the Governors and Councils were authorized to give Orders to the Troops in their respective Provinces. I would be glad to know, if this is the common Method of giving absolute Command to any Officer, or whether you or any other Persons ever saw an Order for an absolute unlimited Command couched in such Terms; had it been the King's Intentions to give an absolute Command to his civil Governors, His Majesty's Orders would direct, that when neither the Commander in Chief or Brigadier General were present, the Troops should obey all Orders from the civil Governors in all Cases where no specifick Orders have been given by the Commander in Chief or Brigadier

General commanding in the District; His Majesty has thought proper to limit and circumscribe the Powers of the respective Governors over his Troops, wisely foreseeing that, if they extended beyond those Limits, his military Service in America must be thrown into the greatest Confusion; and I am to add that His Majesty's Intentions and Orders are so well understood that they have not occasioned the least Doubt or Dispute in any one Province of America, West Florida alone excepted.

I could wish you had kept to your Command at Mobile, and not left it to go take a Command with a small Detachment of the 22d Regiment at Pensacola, if you are at Pensacola, when this arrives, I must desire you to return to your Station at Mobile; that you do not leave your Command there, till you are relieved, without my Orders, or those of the Brigadier or Officer commanding in the District; that you take upon you the Command at Mobile according to your Rank; that you obey the Governor and Council precisely in the Manner prescribed in the King's Orders, and in no other Manner; that you obey those orders implicitly and literally without any Comments, Arguments or Annotations; for I must declare to you, that I can't suffer His Majesty's Orders, which he has had penned to prevent Dispute, so exactly and particularly, the Sense and Meaning of them so Distinct and clear, to be treated with so much Disrespect.

It is necessary in support of my own Authority to acquaint both you and Captain Simpson, that I highly disapprove of your Conduct in publishing any General Orders for the Troops in America to those under your respective Commands, 'till you had received proper Authority from me so to do; it was time enough for you to have published the King's Orders when you should receive them from me. His Majesty is pleased to entrust me, with the Orders he thinks proper to give to his Forces in North America; and I am answerable for the execution of them, and I absolutely forbid publishing any General Orders for the Troops in North America, but such as shall come from me to the Officers under my Command duly authorized to receive and publish the same, unless they are sent directly from England to the Officer commanding, in order to save time.

I hope and expect that the Brigadier General is arrived to prevent His Majesty's Service being thrown into total confusion; but I think it incumbent upon me to declare my Sentiments on what has happened; you will of course, if the Brigadier is arrived, receive your Orders from him; I write by the same Opportunity to Captain Simpson, whose Conduct I only blame in having not pursued his own Opinion, and in having pursued that of others.

I am,
Sir,
Your most obedient
humble Servant,
(sign'd) Thos Gage.

Lieut Col.
Wedderburn.
A true Copy
Pensacola 27 Janry 1766.
Primerose Thomson Secry

From Adjt. General Maitland to Major Loftus.

Copy. No 6.

Head Quarters New York 20th Feb. 1765.

Orders.

Whereas report has been made to the Commander in Chief, that various Obstructions have been given by the Officers and Soldiers in West Florida to the establishment of the civil Government, and that Magistrates in execution of their Duty as Officers of civil Justice have been obstructed in said Duty, and treated with Contempt, and Assistance refused by the Military on Application made to them by the civil Power to secure Delinquents; It is the most positive Orders of the Commander in Chief, that all Officers and Soldiers shall shew all the Esteem and Respect which is due to civil Authority to such Government as is or shall be established in the Province of West Florida; and that they do upon Application from the Magistrates or other proper Authority give such Assistance and Support to said Government, as the Laws and the Good of His Majesty's Service shall require. The Officers commanding His Majesty's Troop in the said Province are hereby required to see the above Orders strictly adhered to, and that they do not themselves shew, or suffer any Persons under their Command to shew at any times any signs, or utter any Words of Contempt or Disrespect to the civil Power established in West Florida, but behave themselves with the same deference and respect to it in that Province, as in other parts of His Majesty's Dominions.

Regulations of Honour to be paid to His Majesty's Governors in North America.

Governor and Commander in Chief in his own Province. Two Ruffles of the Drum, with rested Arms.

L^t^ Gov^r^ rested Arms, and one Ruffle.

N. B. The Governor to have two Centinels at his Door.

(sign'd) Rich^d^ Maitland
Dep^y^ Adjut^t^ General.

A true Copy
Pensacola 27th January 1766.
Primerose Thomson Sec^ry^
To Major Loftus 22^d^ Regim^t^
or Officer commanding at Mobile.

Governor Johnstone's Orders.

Copy.

N^o^ 7.

Orders for the Garrison of Pensacola.

25th May 1765.

Parole.—Wedderburn. Countersign, Sympson.

His Majesty having been pleased to signify his Intentions in the following Words, by a Letter from one of his principal Secretaries of State, the Earl of Halifax, dated at S^t^ James's the 9th of February 1765 directed to his excellency George Johnstone Esquire, Captain General and Governor in Chief in and over His Majesty's Province of West Florida; viz^t^: "And in order to prevent in "future all misunderstandings between the civil Governors and "military Commanders, concerning their respective Powers, "the King has been pleased to declare it to be his Intention;

"That according to His Majesty's Commissions granted "for that purpose, the Orders of His Commander in Chief, and "under him, of his Brigadiers General commanding in the "Northern and Southern Departments, in all military Matters, "shall be supreme, and must be obeyed by the Troops, as such, "in all the civil Governments of America.

"That in cases, where no specific Orders have been given "by the Commander in Chief, or by the Brigadiers General "commanding in the District, the civil Governor in Council, "and, where no Council shall subsist, the civil Governor, may "for the benefit of his Government, give Orders for the marching "of Troops, the disposition of them, for making and marching "Detachments, Escorts, and such purely military Services within "his Government, to the commanding Officer of the Troops, "who is to give the proper Orders for carrying the same into "Execution, provided they are not contradictory to, or incompat-"ible with any Orders he may have received from the Commander "in Chief, or the Brigadier General of the District; and the "commanding Officer is from time to time duly to report with "all convenient expedition to the Commander in Chief or to the "Brigadier General such Orders, which he shall have received "from the civil Governor."

"That the civil Governor of the Province shall give the Word "in all Places, where he shall be within his Province, except when "the Commander in Chief or Brigadier General shall be in the "same place."

"That the return of the state and Condition of the Troops, "Magazines and Fortifications shall be made to the Governor, as "well as to the Commander in Chief, and Brigadier General."

"That the civil Governor is not to interfere with the Detail "of the military regimental Duty and Discipline, the reports "concerning which are to be made to the commanding Officer, "who is to make his general Report to the civil Governor."

"When the Commander in Chief or Brigadier General shall "be present, all military Orders are to be issued by them only."

His Excellency Orders that this may be published by the commanding Officers of the respective Corps in Garrison, in order that due Obedience may be paid to it.

The Officers commanding the respective Corps in this Garrison are not to suffer any of the Troops under their immediate command to lye out of the Garrison all Night, without leave from his Excellency the Governor, upon an Application in writing for that purpose.

As Captain Sympson has neglected to make any return to the Governor of the State of the Guards, and Centinels, the Fort Major is to wait upon the Governor this Afternoon with a Detail of the Guards here, that his Excellency may consider, what addition it may be necessary to make to them for the safety of this Garrison during the Congress.

Upon the firing of three Cannon, the Troops are immediately to repair to the Alarm Posts assigned them, vizt Two Lieutenants and thirty Men of the 35th Regiment and a Serjeant of Artillery with six Men, the names of whom the commanding Officers of the 35th and of the Artillery are to return in writing this Evening, are to parade at the Powder Magazine.

A Serjeant and twelve Men of the 35th Regiment, whose names are likewise to be returned, are to parade at the West Gate.

The rest of the Artillery and the remainder of the 35th Regiment to draw up on the Barrack Square.

The Marines to parade at the Water Gate.

An orderly Gunner and a orderly Serjeant to attend his Excellency.

This was intended for the Sea Officers, to whom no respect had ever been shown.	All Guards to turn out and Centinels to rest to Field Officers, with their Swords & Uniforms.

A true Copy.
Primerose Thomson Secry

N. B. These are the Orders to which General Gage alludes in his Letter to Captain Sympson, as being improper.

Lord Halifax to Surgeon Lorimer.

Copy. Nº 8.

George R.

George the third by the Grace of God, King of Great Britain France and Ireland, Defender of the Faith &cª To Our Trusty and Well-beloved John Lorimer, Surgeon, Greeting, We do by these Presents constitute and appoint You to be Surgeon to the Hospitals for the Service of our Forces at Pensacola &ca in Our Province of West Florida in America. You are therefore carefully and diligently to discharge the Duty of Surgeon, by doing and performing all and all manner of things thereunto belonging, And you are to observe and follow such Orders and Directions from time to time, as you shall receive from Us, Our Governor of Our said Province of West Florida, now, and for the time being, or any other your superior Officer according to the Rules and Discipline of War. Given at Our Court at St James's the fourteenth Day of March 1765 in the fifth Year of Our Reign.

By His Majesty's Command
Dunk Halifax.

Entered with the Secretary at War. C. D'Oyley.
Entered in the Office of Thomas Gore Esqr
Commry Genl of Musters. John F. Hesse.
Copy. Pensacola. 26th January, 1766.
Primerose Thomson Secry
John Lorimer Surgeon, Surgeon to the Hospitals at Pensacola in America.

From W. Ellis to Governor Johnstone.

Copy.

Nº 9.

War Office 6th May 1765.

Sir,

The King having been pleased to direct that the 22d Regiment of Foot shall be relieved by the 21st Regiment at the Mobile, and the 35th Regiment by the 31st at Pensacola, and that the

Regiments so relieved shall proceed to Great Britain, on board the Transport Vessels which carry over the 21st & 31st Regiments; I have the honour to acquaint you therewith, and to signify to you His Majesty's Pleasure, that you do accordingly permit the 21st & 31st Regiments to disembark, and proceed agreable to His Majesty's Orders, to their Respective stations. I am also to signify to you His Majesty's Pleasure, that you do give the necessary Orders for the embarkation of the Regiments which are to return to Europe; and that you will deliver to the commanding Officers of the said Corps, His Majesty's Instructions, which I send you enclosed for their Conduct during their Passage home.

As it is apprehended, that the Transports, that are to go to Mobile, may not be able to get up to that place for want of Water, the Lords Commissioners of the Admiralty have given Directions to the Agent to land the 21st Regiment, as near to the Place of their Destination as may be done with safety and convenience; and in case the smallest of the Transports can go into the River, or nearer the Mobile than where the Regiment is landed, the Baggage, &ca is to be put on board that Transport.

It only remains for me to mention to you. that there are about forty Recruits for the 34th Regiment, which go on board one of the Transports that carry the 21st Regiment, you will be pleased to give the necessary Orders for their disembarkation and march, in order to join their Regiment.

I have the honour to be,
Sir,
Your most obedient &
most humble Servant,
(sign'd) W: Ellis.

A true Copy.
Primerose Thomson Secry
His Excellency George Johnstone Esqr
Governor of West Florida,
Pensacola.

From Governor Johnstone.

No 10.

Copy of a Letter from Governor Johnstone to Lieutenant Colonel Walsh dated Pensacola 29 Septr 1765.

Sir.

The inclosed Letters were sent to me from Mobile. On the outer Cover directed, "On His Majesty's Service. To Brigadier "General Bouquet, commanding His Majesty's Forces in the "Southern District at Pensacola or Mobile.—Or in Case *He* "should not be yet arrived in West Florida, To the Officer "commanding at Pensacola." *Thos Gage.* And on the inner Cover, "To Brigadier General Bouquet, or in his Absence, To "the Officer commanding His Majesty's Forces in West Florida."

It appears that the Officer at Mobile did not conceive himself comprehended under that Description; and you have several times told me You did not conceive yourself as comprehended under that Description; And all I contend for is, that Somebody is and ought to be comprehended under such Description.

The Secretary at War in the Letter which You brought to me, signifying His Majesty's Commands relative to the Landing Embarkation and Disposition of the Relief, has directed in those Words, "On His Majesty's Service. "To His Excellency "George Johnstone Esqr"; "Or in His Absence, To the Officer "commanding in Chief His Majesty's Forces in West Florida, "War Office. A. Clinton.

As Lieutenant Colonel Maxwell acquainted me that he had waited on the Secretary at War before he left England for an Explanation of the different Powers of the Governor, in Consequence of the unhappy Disputes which had subsisted here, who had told him, Lieutenant Colonel Maxwell, those Words; "The "Governors are certainly Commanders in Chief within their "Provinces, restrain'd only by the King's Decision, where any "Orders for a special Service shall be given by the Commander "in Chief of His Forces in America; or from applying the Troops "to private Purposes; or interfering with Regimental Duty or "Discipline; Or in Military Matters, when the Commander in "Chief or Brigadier of the District should be present: But "otherwise, they were certainly Commanders in Chief, as they "were responsable for their Provinces, as well as the Fortresses "where they resided."

And as Colonel Reed had also acquainted me, that he had a Conversation with the Secretary at War exactly to the same Effect.

And as I had also asked the Opinion of Colonel Reed concerning the Opening of any Letters under such a Direction; who was clearly of Opinion, that no other Person in the Province could with Propriety, presume to open them but myself.

And being perfectly convinced in my own Mind, that such was the Sense of His Majesty's Decision.

And Brigadier General Bouquet having also, in his Life time, frequently expressed His Disapprobation of the Behaviour of Captain Simpson in disputing the Keys of the Garrison with me; and having further as a proof of his Opinion desired me during his Illness to regulate the Garrison Duty.

I did not imagine this Question could once more become a Subject of Doubt; and therefore without Hesitation I opened the Letters that are now inclosed.

Which Action I do not think requires so long an Apology or Narration, if I were not sensible General Gage on account of the Difference with his Relation M^r Farmar is willing to wrest every Action of mine into the worst light.

As you are conscious, how ready I have been on every Occasion to assist the Troops; and have been a Witness of the indecent Treatment which I have received without Resentment from those who have complain'd; There is little Occasion for me for saying any Thing to you, or indeed to any Person on the Spot for refuting the heavy Imputation of M^r Gage of my obstructing the Officers in their Duty.

But I have thus much to say once again.—

That tho' I never will give up any Authority which the King has put into my Hand as acquiescing in Opinion; yet you have only to mention your Construction of His Majesty's Intentions for my Acquiescence in the Execution, 'till a further Explication, where I see they are prejudicial to His Service.

As I have undertaken a temporary Repair of the Barracks and the building a temporary Hospital, and was proceeding as far as possible to fulfill the Ideas of Brigadier Bouquet in those things, which were absolutely necessary for the comfortable Lodgement of the Troops; And as Major General Gage seems to alledge I am proceeding beyond my Authority—

I beg leave to put two Questions

First, Whether those Repairs are not absolutely necessary?

Secondly, Whether You have any Power to undertake them?

This last Question I put to Major Bromley, when he commanded the Regiment before I would engage in them, with this further Assurance that it would be much more agreeable to me, if he would perform those Services by drawing on General Gage, than by obliging me to draw on the Treasury.

I have only further to say, before I conclude, that in Case I am not consider'd as a Military Officer within this Garrison, His Majesty's Ministers must have granted a Commission of a very late Date after a Discussion of these Points in England to a Staff Officer of this Garrison lately arrived, which would carry an Imputation of Absurdity.

For Mr Lorimer is appointed Surgeon to the Garrison of Pensacola, and expressly order'd "to obey all such Orders as "You shall receive from Us, our Governor of West Florida "for the Time being, or any other your superior Officer, according to the Rules and Discipline of War."

That no doubt may arise at a Distance concerning the Directions alluded to, or the Authorities quoted, I have sent the Directions of the Covers for your Inspection, and the other Persons mentioned are on the Spot.

But as the Covers are Part of my Defence, if I have done wrong, I beg they may be returned.

I am with great Regard,

Sir,

Your most obedient

humble Servant,

(signed) George Johnstone.

Lieu^t Colonel Walsh
commanding the 31^st Regiment }

Copy—Primerose Thomson Sec^ry

From Governor Johnstone to Lieut. Colonel Walsh.

Copy. No 11.

Pensacola 30th Septr 1765.

Sir,

With the Advice of His Majesty's Council for this Province, I find it necessary for the Benefit of it, to order a Detachment of thirty Men from the Regiment you Command, with their Tents and Baggage, and such a Proportion of Officers as you may judge proper for that Number, together with their Tents & Necessaries, to embark on Board the Prince of Wales Transport provided for that purpose to occupy, with other Troops ordered from Mobile, the Post at Manchac.

It is my Inclination, as much as possible, to carry on every Military Service, as far as in my Power, agreably to the Ideas of General Gage, where they are not absolutely contradictory to His Majesty's Orders.

But as that Officer, by his Letters seems to import, that it is my Province only to issue the general Orders; and that it is the Business of the eldest Officer on the Spot to order the detail attending them; And as it will be necessary that Provisions and Ordnance Stores shou'd be ordered from this Post on this Service;

I am therefore to beg you will determine, whether those Branches are with you or me, which I now declare once for all is equally indifferent on my Part.

All I wish is to avoid Disputes, with which I am heartily tired.

I am with great Regard,
Sir,
Your most obedient
humble Servant,
(signed) Geo: Johnstone.

Lieutenant Colonel Walsh
Commanding the 31st Regiment
Copy
Primerose Thomson Secry

From Lieut. Colonel Walsh to the Governor.

Copy. No 12.

Pensacola 30th Septr 1765.

Sir,

I am honored with your Excellency's Letter, wherein you say you find it necessary for the Benefit of the Province to send thirty men of the 31st Regt to the Post at Manchac. That number with their proper Officers shall embark when you think fit. I must request your Excellency will order the Necessaries &c. to be issued for their use, as you have hitherto done.

I desire to be excused answering Your Excellency's Questions, as they are to be determined by my Superiors.

And have the Honor to be with the utmost respect & esteem,

Your Excellency's
Much obliged & obedt Servant,
Ral. Walsh Lt Colonel
to the 31st Regt

Copy.
Primerose Thomson Secry.
Governor Johnstone.

From Governor Johnstone to General Gage.

Copy. No 13.

Pensacola 5th October 1765.

Sir,

The great Respect which Your Excellency's Character and Station must command from every one, on this Continent, leaves me extremely unhappy, that I should so far misunderstand the Construction of Language, as to produce the very severe Censure which You have been pleased to pronounce on my Conduct.

Conscious as I am, of the many Insults I have received, The great Moderation I have shewn, The strict Justice I have performed, The extreme Caution I have used to avoid Offence, Of which, I believe, there is not now a Person in this Province who would not be willing to bear Testimony. I say under these Circumstances, I cannot help acknowledging, that I feel the Disapprobation of Your Excellency with a very heavy heart.

After receiving Your Excellency's Opinion, in so full a manner on The King's Decision, Tho' entirely contrary to the Correspondence with which I have been honored from most of the Public Boards in England, and entirely contrary to the best Advice which I was able to collect in this Province, Yet I shall doubt the Understanding of every one concerned and really believe we have all lost our right Senses, (as You are pleased to express it) rather than enter into any further Discussion on this Matter, or draw a Conclusion, by which it might be inferred, so great a Misfortune had befallen Your Excellency. Et demptus per Vim Mentis gratissimus Error.

Nevertheless, after all the Epithets, of Full, Clear, Distinct, Positive and Exact, which you have been pleased to bestow in explaining this His Majesty's Order, I think it still remains pretty much in the same Situation; (like Rabelais' Tub, after it was beat, bruised, and belabored on the Sand) and not one Whit altered, or more clear, or distinct.

However, after declaring we have lost our right Senses, I am not surprised, according to the Tale of the Tub, that You should prohibit us from using our Reason;

That You should be pleased to enjoin Officers not to publish His Majesty's Orders coming thro' the Constitutional Channel, untill they are transmitted by You, is a Doctrine, the evil Tendency of which requires other persons to vindicate, and might be a little alarming on the other Side of the Water, if a Caesar, or any Person, of a less respectable Character than Your Excellency, was at the Head of the Army in America.

That Officers are only accountable to You for their Conduct, is a Doctrine of the same Tendency; and I shall believe it in future; But, before I saw your Opinion on this Subject, I thought they were also accountable to their King and their Country, and to the Person who has the Power of directing them; For to possess a Power of directing without a Power of enforcing would be like a Law without a Penalty.

But very likely as you say The King intended this Dilemma, and meant only to give the shew of Command and not the Substance, in order to render the whole more mysterious, and by this to add something of Dignity to the Governors, which should after all turn to nothing essential when explained by a clear, distinct, and full Commentator in a most *positive, absolute, specific and supreme Manner.

I observe, Sir, that You are pleased frequently to repeat, that these Differences between the Civil Governors and Military Officers, subsisted only in West Florida.

I shall not contradict your Authority by opposing that of General Murray, when a Captain Tassel wanted to take the Command of them all, nor the Relation of Governor Grant in his Dispute with Major Ogilvie; but I will quote a Paragraph of a Public Letter, signed by some of the most sensible Men in England, dated, Whitehall 1st March 1765.

"The Misunderstandings and Disputes, which have arisen "in almost every one of His Majesty's Colonies in America "between The Civil Governor and Military Commanders since "the Appointment of a Commander in Chief have long called "for some clear and explicit Definition and Adjustment of "their respective Powers and Authorities. And as the Letters "which passed between You and Captain Mackinen on this "Subject, do contain a very full and satisfactory State of that "Question; and all the Arguments, which can be urged on one "Side, or the other, are stated with a becoming Moderation "and Candor, We are happy in being able to bring this Question "before His Majesty, upon so full and proper a State of the "Case."

"The Orders which His Majesty has thought fit to issue in "Consequence thereof will be transmitted to You by the Earl "of Halifax; But least any Accident should prevent your "receiving them, We herewith inclose to You a Copy of them, "which His Lordship communicated to us for our Information."

And likewise the inclosed Copy of a Letter from the Secretary at War, relative to the Landing and Embarkation of the Troops;

Which will shew, that the Sting intended for West Florida is rather blunted with Lead, according to the Comprehension of others.

I likewise observe the Word Illegal is somewhat frequent

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*Alluding to an order from Gen. Gage to Col. Wedderburne which concluded in these words.

in your Correspondence, and I was also favored with a Sight of the Word Anté constitutional.

Now I would gladly hope, that this last Illegal Action is as little Anté constitutional, as the other Anté constitutional Action was Illegal. Of which last Fact You may be convinced by looking at the 17th Geo: 2. Chap. 34th Sect. 22d Or rather by sending the Person who You say had informed You to that Page and Chapter.

To explain how the Papers to which I allude came into my Hands, I must transmit the inclosed Letters, And have only to say to Your Excellency, what I have expressed to Lieut Colonel Walsh, that, in Case you settle this Matter to your own Satisfaction, it will be quite agreable to me; For really, the Office of Governor is not worth the Trouble I have had to support it, and much less so, if I am to be involved in any Dispute with a Person of Your Excellency's Character, for which I sincerely profess the greatest Respect.

But as You were pleased to declare your mind so freely to me on this Subject, I hope you will equally forgive me for disclosing my Sentiments with the same Degree of Openness in Return.

—I am with a perfect Respect,
Sir,—Your Excellency's
most obedient &—most humble Sert
signed. George Johnstone.

Copy.—Primrose Thompson Secry
His Excellency the Honble—Major General Thomas Gage &c. &c. &c.

To Lieut. Colonel Walsh.

Copy. No 14.

Pensacola 21st December 1765.

Sir,

In consequence of the late Act of Parliment, I beg to know if there is any of the Officers of His Majesty's 31st Regiment, who are not properly and sufficiently provided in Quarters, agreably to the Establishment in that Respect.

I further beg to know if you pretend to the Distribution of such Houses as may be vacant belonging to His Majesty. Because this Power, by my Commission and the King's Proclamation, is expressly lodged in the Gov^r^ and Council. And I cannot conceive, if your Regiment is sufficiently quartered, upon which Principle you can wish to interfere further, or to deny that Conveniency to others which I have been so desirous to communicate to you and every Officer of the Garrison.

I am, with Respect,
Sir, Your most obedient and
most humble Servant
(Copy) (signed) George Johnstone.
Primerose Thomson Secry
Lieu^t^ Colonel Walsh.

From Lieut. Colonel Walsh.

Copy. Nº 15.
Sir, Pensacola 21st December 1765.

In answer to your Excellency's question I think the Officers are as well Quartered as this miserable place will admit.

I never did desire to dispose of the King's Houses, but think it is my Duty to remonstrate against giving up any Quarters that have been assigned to, & occupied by an Officer.

I am, with Respect your Excellency's
most humble Servant,
(signed) Ral: Walsh.

A true Copy.
Primerose Thomson Secry.

From the Governor.

Copy. Nº 16.
Sir, Pensacola 11th January 1766.

Having in your Letter of the 30th Sept^r^, in Answer to my Letters of the 29th and 30th Sept^r^, requested, that I wou'd continue to issue the necessary Orders respecting Stores &c. as I had hitherto done, and declining to answer the Questions which I had put, respecting the Powers of your Command, until those Points cou'd be decided by our Superiors.

And you having lately proceeded to act not only entirely contrary to those Declarations under your own Hand, but also in direct Contradiction to His Majesty's Orders, and those from General Gage, as transmitted to me.

I request to be informed, if you have since received any other Decision, than those under Our Consideration at the time of writing those Letters, which can tend, in any Measure, to elucidate that Subject.

I am,—Sir,
Your most obedient
humble Servant,
(signed) George Johnstone.

Lieut. Colonel Walsh
Commanding His Majesty's 31st Regt
(Copy)—Primerose Thomson Secry.

Col. Walsh's Reply.

Copy. No 17.

Sir, Pensacola 12th January 1766.

I had your Letter of the Seventh late last Night, wherein your Excellency is pleased to say, I have acted in direct Contradiction to His Majesty's Orders, and those of General Gage, if so I am answerable for it.

What Orders I have received from my Superiors since the 30th of Septr last I must desire to be excused showing to any Person, that has treated a Commanding Officer in the manner your Excellency has me,

Who am your Excellency's
most obedient and most
humble Servant,
(signed) Ral: Walsh.

A true Copy.
Primerose Thomson Secry.
Governor Johnstone
London.

From Robert Adair.

Copy. Nº 18.

London 22d August 1765.

Sir.

I have taken this opportunity to Write to Governor Johnstone, informing him I have honored his Draft for one hundred Pounds, which he advanced on Account of the Mates, and to send home all unnecessary hands as the Garrison is so very healthy not to require such numbers, as are now at Pensacola, By this time you will be able to know how many are necessary to continue, and make your Report to the Governor accordingly.

I have answered some drafts from the Mates, and therefore beg you will be so obliging to send me an exact Account of their Pay receiv'd & owing to them, as I wou'd be sorry to dishonor any of their Bills.

I am very truly
your Servant

Copy Pensacola 27th Janry 1766. (signed) Robt Adair.
Primerose Thomson Secry.

Note to Mr. Wegg and Reply.

Copy. Nº 19.

To His Majesty's Attorney General.
April 26th 1765.

Sir,

I desire you will give me your Opinion on the following Subject.

Whether, in case any Person is turned out by a Military Force from any of His Majesty's Hutts or Houses, which I have assigned him in this Garrison, the Persons Acting & the Person Ordering cannot be prosecuted for a forcible Entry, or what other Remedy there is in Law?

(signed) Geo: Johnstone.

All Persons and Places are by the Constitution of Great Britain Subordinate and Subject to the Civil Laws; Which are Established for the Preservation of Our Liberties, Rights & Properties.

That Garrisons and that Military Forces (notwithstanding they have Laws peculiar to themselves, made for their particular Regulation & Government,) are not Exempt from the Civil Law, is a matter indubitable and incontestable.

Shou'd a Military Force presume to Use coercive and forcible Means, to turn any Person out of His Majesty's Houses, they wou'd Assume an Authority far Superior to that which is invested in the Ministers of Justice, and diametrically Opposite to Our happy Constitution.

I am therefore of Opinion, that, in such Case, they wou'd be Extremely Culpable, where a Civil Government is established, and that, upon application to the Justices of the Peace, Restitution wou'd be Granted on an Inquisition to the Party disseised; And that the Aggressors wou'd be amenable to the Laws provided against forcible Entries.

(signed) Edm^d Rush Wegg.
Pensacola 3^d May 1765.

(A true Copy)
Primrose Thomson Secry (Copy)

To Lieut. Col. Walsh.

N^o 20.

Copy of Gov^r Johnstone's Letter to Lieu^t Col. Walsh, dated Pensacola 23^d Jany 1766.

Sir,

As you have been pleased to seize the Command of this Garrison, I think, all the dependent Parts must go with it.

That Our Disputes may affect the Public Service as little as possible, I beg leave to put you in mind, that there is a Vessel ready to depart for New Orleans; That the Provisions for the Troops at Manchac must be reduced to two Months; that in Case I was permitted to exercise that Authority, which I apprehend

His Majesty has committed to me, I shou'd certainly send four Months Provisions by this Opportunity.

You will undoubtedly act as you please.

I am, with Respect,
Sir,
Your most obedient
humble Servant
Signed. Geo:Johnstone.

To this Letter no
Answer was returned.
(Copy) Primerose Thomson Secry.
Lieu^t Col: Walsh.
Comm^g H. M^s 31st Reg^t

From the Governor to General Gage.

No 21.

Copy of a Letter from George Johnstone to Major General Gage, dated Pensacola 27th January 1766.

Sir,

By Advice of His Majesty's Council of this Province, I apply to your Excellency for a Court Martial, to try Lieutenant Colonel Walsh, of His Majesty's 31st Regiment, for the following Crimes.

First, For that he, Lieutenant Colonel Ralph Walsh, contrary to the Duty he Owed His Majesty, & in express disobedience of His Royal Orders, did by Force of Arms on or about the 8th of January last Seize Possession of His Majesty's Garrison at Pensacola, whereby the safety of His Majesty's Province of West Florida was much endangered; and by Force of Arms, did also retain the Keys of the said Garrison, which His Majesty, by His Royal Commission and most Gracious Decision of the 9th of February 1765, had determined to be, under the Circumstances which then prevailed, in the Trust of His Excellency George Johnstone Esq^r Governor of West Florida; Whereby the said Lieutenant Colonel Walsh was guilty of a Manifest Mutiny and Disobedience of Orders.

Second, For that he, the said Lieutenant Colonel Walsh

Contrary to His Majesty's Orders, and those of His Excellency, General Gage, and contrary to the Orders of the Governor in Council of His Majesty's Province of West Florida, to whose Commands in this Respect, he was then Subject, did, on or about the 8th of January 1766, withdraw the Centinels from the door of His Majesty's House appointed for the Residence of His Excellency George Johnstone Esqr. Captain General and Governor in Chief in and over His Majesty's Province of West Florida, and in which House the said Governor did Actually then reside. And further, that the said Lieutenant Colonel Walsh did actually order the Guards and different Centinels of the Garrison of Pensacola to shew His Excellency Govr Johnstone no further Marks of Respect; which was Accordingly done for several Days, until the Officers, in a Body, represented Against such unjustifiable Proceedings.

Third, For that the said Lieutenant Colonel Walsh, contrary to his Duty, did take Upon him to direct the Ceremony of receiving the Wolf Indian King, and did order him to be conducted first to his Own Apartments, as Commanding the Garrison; and at the same time, did Publish an Order, contrary to his Duty, and Extremely Derogatory to the Respect which was due to His Majesty's Governor of West Florida in the following Words;

"Pensacola 14th January 1766. Parole is *Love*. Countersign "*Harmony*.

"As the Indians are round the Garrison, the Guard is to be "Augmented from Men. And in Order to create Respect to "the Civil Governor in the Eyes of those Savages, a Centry is "to be posted at the Door, and the Guards and Centries are "to pay him the same Compliment as they do the Commanding "Officer of the Troops."

Fourth, That the said Lieutenant Colonel Ralph Walsh did take upon him to alter the Parole communicated to Him by His Excellency Governor Johnstone.

Fifth, That the said Lieutenant Colonel Ralph Walsh, did arbitrarily and by Force, Seize Possession of the King's Materials, purchased for the Use of the Garrison of Pensacola by the said Governor George Johnstone.

Sixth, That the said Lieutenant Colonel Walsh has not since the 1st of November, 1765, made any Returns of the State of the Regiment under his Command, to the said Governor George Johnstone; In which he has Manifestly disobey'd His Majesty's Orders.

Seventh, That the said Lieutenant Colonel Ralph Walsh did contrary to the Orders of the said Governor Johnstone, Order the Guns of the Garrison of Pensacola to be fired on the 18th of January, in Honor of Her Majesty's Birth Day; Tho' that just Respect, which is due to Her Majesty had been duly observed on the Actual day of her Birth.

For all which Crimes, the said Lieutenant Colonel Ralph Walsh falls under an Act of Parliament, for Punishing Mutiny and Desertion, & for the better Payment of the Army and their Quarters.

I am with a perfect Respect
Sir,
Your Excellency's
most obedient and
most humble Servant
Geo: Johnstone.

His Excellency The Honble
Major General, Thomas Gage.
(A true Copy).

From Lieut. Maclellan.

Copy. No 22.

Copy of a Letter from Lieut Maclellan to Lieut Colonel Walsh, dated the 14th Janry 1766.

Sir,

As I have received the following Order from Lieutenant Alexr Nisbett.

Lieutenant Maclellan put under Arrest by Lieutenant Colonel Walsh, for disobedience of his Orders, & disrespect to him and his Authority.

I beg to know whether I am put under Arrest as Lieu^{t} of the 34th Regim^{t} Barrack Master of this Province, Deputy Secretary of the Province, or as Clerk of His Majesty's Council established here. As the Powers, by which I am confined by you in either of the above mentioned capacities, are equally mysterious to me.

Nevertheless as some doubts may arise with Persons, not accustomed to discriminate Actions distinctly, and that it is not my Intentions to Avoid any Trial which you may please to call for on my Conduct, I shall readily Submit to a suspension as Lieu^{t} of the 34th Regiment, and give any Security, to be forthcoming at the time you shall mention; but respecting any Arrest of Person as a Bodily Restraint, I cannot accept of that consistent with the Privileges which his Majesty has Affixed to the Civil Offices, I accepted in this Province, with the Approbation & Consent both of Governor Johnstone and Lieu^{t} Colonel Wedderbourne.

I wish I could discharge my Duty exactly consistent with the Honor I owe to both; this is the Medium I have struck; and if these Offices are found incompatible by the General Commanding in Chief; I shall certainly relinquish the Civil part; for the Military is the Line of Life with which I began, and which I intend to pursue; nor shall the Evil treatment of some, or Ingratitude of others Alter my Affection for that Profession.

In the mean while I beg you will be pleased to send me a Copy of the Charge alleged against me,

And am,
Sir,

Pensacola Janry 14th 1766.
To Lieu^{t} Col: Walsh
Comm^{g} the 31st Reg^{t}
To which no answer was returned.
A true Copy.

Alex^{r} Maclellan.

From Governor Johnstone to the Board of Trade.

Copy. Nº 23.

Pensacola 26th Feby 1766.

Sir,

By my Letter of the 28th of January I endeavoured to give their Lordships an Idea of the Confusion which the different Interpretations put on His Majesty's Decision of the 9th of February 1765, respecting the Powers of His Governors of Provinces and Military Commanders over the Troops, had begun to generate here, and which has since been carried to the greatest Height.

The Minds of the lower Class of Inhabitants had also been much agitated for some Time past, since the Establishment of the Stamp Act; And I being clearly of Opinion from the very nature of Empire, that every dependent Part thereof must be obedient to the Sovereign Power wherever it is lodged, I did insist on carrying that British Act of Parliament into Execution, which has alienated much of that Affection to my Services that the Vulgar were accustomed to express on former Occasions; This falling in with the renewed Pretensions of the Military, by which the Populace perceived the ultimate Power to restrain them was torn from my Hands, From the whole the Tide of their Clamour has rather turned against me on this Occasion.

What has also served very much to alienate the Minds of the Vulgar, is, an Opinion of Edmund Rush Wegg, our suspended Attorney General, (said to be corrected by the Judge) that it is handed about, importing, "That no Man can be bound to "any Government, unless his own Consent is conveyed either "by himself, or Representative," with a Number of other Refinements in Government, that never had a Foundation, either in Experience or common Sense.

This has occasioned an Address to call an Assembly from the Grand Jury, who were hudled up in this Town, by a Trick of the Judge on the Dismission of the former Grand Jury occasioned by the Negligence of Edmund Rush Wegg, as set forth in my Letter of Complaint against him, and who, in any other Part of the World, could not have sat either on Grand or Petty Jury.

Mr Clifton, ever since our Decision against his Friend, Mr Noble, on the pretended Spanish Purchases, has not only endeavoured to oppose me in every Act of Government, but has also, in my humble Opinion, done everything in his Power to destroy all Order in the Community. He has frequently said he is to be removed to another Province, and I can easily perceive his Heart is not set on the Prosperity of this.

Lieutenant Governor Browne arriving in the midst of those Disturbances thought I suppose, it was a proper Time for him to act his Roll, And I having further had some Dispute with him concerning sundry Articles he had engaged to furnish the French Emigrants, but which Articles he said he had forgot in England. He immediately assured the Publick, that General Conway had told him, I should be recalled on the slightest Representation. And accordingly a Memorial was privately carried round by one John Watts Acting King's Commissary, whom I had formerly detected in several improper Actions, which Memorial many of the poor People were induced to sign, without being permitted to see it; and even some of my own Friends were engaged to put their Marks to it under pretence that it was an Address to me.

The Particulars of all these Affairs go by the Brigantine Fanny Robert Barrow Master, which will sail directly for Liverpool in three Weeks. But I have thought it proper to recapitulate the Heads of them by this Opportunity to New York, and to send some leading Papers for fear of Accidents, that their Lordships may not be affected by any Impressions before full and authentic Papers shall arrive.

It may perhaps be alleged that Complaints from me against so many shew at least some improper Management on my Part. I hope their Lordships will not think so, when they have read the Particulars. I do declare there never was any Transaction where my own Conscience and Reason upon Reflection assured me I had done my Duty with more Humanity, Prudence or Spirit. But of this I am not the Judge.

If Vice, Oppression, or Folly should generate like the Polipus, I will still oppose them; Certain that in the End they cannot stand the Firmness of an upright Heart.

Their Lordships will undoubtedly have perceived, in considering the Convulsions on the Continent, the preponderating Scale in the Governments established through the Colonies. For my Part, so far from asking extraordinary Powers, I am so sincere a Friend to real Liberty, that what I wish the most, is, that, in correcting the present Abuses, The Goddess may remain unsullied and unhurt.

I am with a perfect Respect,
Sir,—Your most obedient &
most humble Servant,
Geo: Johnstone.

P. S. On the Moment of signing the above Letter, the inclosed Message Nº was brought me by Lieutenant Pilot, Town Major, in answer to the Letter Nº which had been dispatched this Morning.

How far such a Declaration can be reconciled to His Sacred Majesty's Decision of the 9th of February 1765, I am unwilling to refer to the warmest Friend Colonel Walsh has in this World. For the express Words of that Decision are "To give Orders &c."

Geo: Johnstone.

The Governor to Lieut. Colonel Maxwell.

Copy. Nº 24.

Governor Johnstone's Letter to Lieut Colonel Maxwell. dated January 20, 1766.

Sir,

By the advice of His Majesty's Council of this Province, You are hereby directed to March hither, without a Moment's Loss of time with the principal part of your Regiment, leaving a Captain's Command at Mobile; in order to quell a most dangerous Mutiny, which has broke out in this Garrison, at a time we are surrounded with a numerous and jealous Body of Indians.

As Lieutenant Colonel Walsh is the principal Actor in this Mutiny, and has proceeded to execute the most outrageous and unjustifyable Acts of Violence and disorder, Subversive of every principal of Order, both Civil and Military, in express

Contradiction to the Orders of His Majesty as well as those of General Gage; It is absolutely requisite, that you come hither yourself, in order to take the Command from him, and Settle those disputes which now bid fair to Destroy this Infant Colony.

Whatever Boats, Guides, or Horses may be wanted on this Occasion, You will be pleased to provide them, at all Events, and I shall pay for them.

That no Doubt may arise in your mind from the Secret Insinuations of those, who wish to Multiply Confusion in this Colony, I further inclose to you a Copy of an Instruction from His Majesty, Authenticated under the Great Seal of the Province; By which you will observe, on every case of Emergency His Majesty has committed an absolute power to the Governor & Council, to take Order for the present therein, untill his Royal pleasure shall be known; and all persons Civil and Military are required to be Aiding, Assisting and Obedient in Carrying the same into Execution.

I am with the greatest Respect,
Sir,
Your most Obedient &
most humble Servant,
(signed) George Johnstone.

Copy
Primerose Thomson Sec^{ry}

From Lieut. Pilot.

Copy. N^{o} 25.

Message of Lieu^{t} Colonel Walsh alluded to in the Post-script of the Letter to the Board of Trade 26 February 1766.

Sir,

I am desired by Lieu^{t} Colonel Walsh to acquaint your Excellency, that he received a Letter from you this Morning, in which he imagines there must be a mistake either on your Side or Your Secretary's, as You well know the Colonel cannot obey any Order of Yours: But as the Application is for the

Good of the Colony, and the Colonel is determined to do every Thing in his Power for the Benefit of it, he will therefore order a Serjeant and twelve Men, with their Arms, Baggage, &c. to attend Mr Durnford on Thursday Morning.

Wrote by Lieut Pilot Town Major, and read as his Message sent by Lieut Colonel Walsh to Governor Johnstone.
Pensacola 26 February 1766 In Presence of
Primrose Thompson, Secry

From the Governor.

Copy. No 26.

Governor Johnstone's Letter to the Officer of the Main Guard 31 Janry 1766, desiring that an Indian may be admitted to speak wth him.

Sir,

I desire the Indian at the Water Gate may be admitted into this Garrison, that I may speak to him.

I am,
Sir,
Your most obedient
humble Servant,
(signed) George Johnstone.

Copy.
Primrose Tomson Secry
The Officer of the Main Guard.
Pensacola.

From the Officer of the Guard.

Copy. No 27.

The Officer of the Guards Letter to Governor Johnstone, dated Pensacola 31st Janry 1766.

Sir,

I am obliged to acquaint You, that it is Colonel Walsh's positive Orders to admit no Indian into this Garrison, but by his Leave. I am,

Your Excellency's
Most obedient
humble Servant.
Jam^s^ Boucher.
Ens 31st Reg^t^

Copy.
Primrose Tomson Sec^ry^
His Excellency Governor Johnstone.

Colonel Maxwell to the Governor.

Copy. N^o^ 28.

Lieu^t^ Colonel Maxwell Letter to Governor Johnstone dated Pensacola 31st Jan^ry^ 1766.

Sir,

In obedience to your Excellency's Orders of the 20th Instant directing me to march the principal part of the Regiment under my Command, without loss of time, to Pensacola, I have the Honor to acquaint you, that I have most Literally Obeyed Your Excellency's Instructions, and caused two Captains, four Subalterns, Eight Non Commissioned Officers, four Drummers and fifty Private Men, to embark on board a Vessel which is now arrived.

I wait Your Excellency's further Orders, And am with the greatest respect,

Sir,
Your Excellency's
most obedient &
most humble Serv^t^
(signed) Edward Maxwell.
Lieu^t^ Col^l^ of the 21st Reg^t^

Copy.
Primrose Tomson Sec^ry^
To
His Excellency Governor Johnstone.

The Governor to Lieut. Col. Maxwell.

Copy. N° 29.

Governor Johnstone's Letter to Lieut Colonel Maxwell dated Pensacola 31 Janry 1766.

Sir,

I have this Moment received the Honor of Your Letter of this Day's Date, acquainting me of Your Arrival in this Bay, with two Captains, four Subalterns, eight non-Commissioned Officers, four Drummers, and fifty private Men, of the 21st Regiment under your Command, on board of a Vessel You had hired for that Purpose, in Consequence of my Orders of the 20th Instant, and that you now wait my further Orders.

My Orders of the 20th Inst by Advice of His Majesty's Council for this Province, are, that You shall forthwith march hither with the Principal Part of Your Regiment, Meaning most certainly, into this Garrison of Pensacola. In Consequence of the same Advice, I now order that you shall give Directions for landing the Troops under your Command to morrow Morning at nine o'clock, and to march them into this Garrison of Pensacola. By which Time I shall direct the proper Officer to deliver to You an Assignment of Quarters for the particular Troops you have enumerated, as brought before the Town to be lodged in the said Garrison, agreably to the late Act of Parliament of the 5 Year of His Majesty's Reign Chap. 33 for quartering Troops in North America.

As the Vessels which you have hired may not possess convenient Boats for landing the Troops under your Command, I shall apply to Captain Carket of His Majesty's Ship Active, for what Boats he may think proper to spare to assist in this Service.

I am with a perfect Esteem & Regard,

Sir,

Your most obedient and
most humble Sert
(signed) George Johnstone.

Copy.
Primrose Tomson Secry

Oath of the Secretary.

No 30.

Affidavit of Primrose Thomson
dated 1 Febry 1766.

West Florida.

Personally appeared before me George Johnstone Esqr Governor &c &c &c of His Majesty's Province of West Florida. Primerose Thomson Esqr of the Town of Pensacola and made Oath on the holy Evangelists of Almighty God, that Ralph Walsh Esqr Lieutenant Colonel of His Majesty's 31st Regt had given Orders for Stopping His Majesty's Troops coming into this Garrison, and that there is actually a Guard drawn up with fixed Bayonets to oppose the Entrance of the said Troops into this Garrison at the head of which is Ralph Walsh, by which the said Primerose Thomson does verily believe much bloodshed will ensue; And the Safety of this his Majesty's Province be thereby much endang'red. And further that the said Lieutenant Colonel Ralph Walsh, as this Deponent is informed and verily believes did give Orders for taking Violent Possession of a House which had been assigned for the Register of this Province and where now resides one of His Majesty's Council which House was accordingly entered in a tumultuous manner by Serjt Macfadden of the 31st Regt And further that the Wolf Indian King is now at the Gate & the minds of all Men much alarmed and every thing tending to the utmost Confusion and Danger of this Province; And further that he the said Primerose Thomson, could not get out of the said Garrison, in order to Summon His Majesty's Council together, by order of His Excellency Governor Johnstone in this Emergency, Occasioned by the orders of the said Lieutenant Colonel Ralph Walsh, as he was informed by the Officer of the Guard.

(signed) Primerose Thomson.

Sworn before Me this 1st Febry 1766.

(signed) George Johnstone.

Sworn again before me
this 1st day of Febry 1766.
(signed) Willm Clifton Ch. J.

A True Copy
T. Hardy Clk Cur.

Warrant against Colonel Walsh.

N^o 31.

Copy of a Warrant from George Johnstone Esq^r Governor of West Florida, for taking into Custody the Body of Lieutenant Colonel Ralph Walsh, dated at Pensacola February 1st 1766.

West Florida Ss.

To James Johnstone Esq^r Provost Marshall General of His Majesty's Province of West Florida, or his lawful Deputy and the Constables.

Whereas Affidavit hath been made before me George Johnstone, Governor in and over His Majesty's Province of West Florida, and Chancellor of the said Province, that Ralph Walsh Lieutenant Colonel of His Majesty's thirty-first Regiment has given Orders for stopping His Majesty's Troops on their March, in Opposition to the King's Authority, these are therefore in his Majesty's Name to Will and require you to take into your Custody the Body of the said Ralph Walsh, and bring him before me to be examined touching the same; for which this shall be your Warrant; and all Persons civil and military are hereby required to be aiding and assisting to you in the Execution of this Warrant; wherein, you nor any of you fail not at your Peril.

Given under my hand and Seal at Arms at Pensacola, this first day of February one thousand seven hundred and sixty six; in the sixth year of His Majesty's Reign.

(sign'd) Geo: Johnstone.

The ordinary Course of Justice being now open, you will carry the Body of the said Ralph Walsh before William Clifton Esq^r Chief Justice of His Majesty's Province of West Florida, where I am likewise proceeding to make Affidavit of the Crimes he has committed; for which this shall be your Warrant; and from which time of your Arrival before the said William Clifton, this Warrant to be discharged.

(sign'd) Geo: Johnstone.

To the Provost Marshal
or his lawful Deputy.
A true Copy.
Ja^s Johnstone, Prov^t Marshal.

Order by the Governor.

Copy. No 32.

West Florida.

By His Excellency George Johnstone Esquire Captain General and Govr in Chief in and over his Majesty's Province of West Florida, Chancellor and Vice Admiral of the said Province &ca.

To Major Edward Bromley of His Majesty's 31st Regiment of Foot.

Whereas I have found it Necessary for the good of His Majesty's Service to commit the Body of Ralph Walsh Lieut Colonel of His Majesty's 31st Regiment, for stopping the King's Troops on their March moving by his Lawfull Authority into this Fortress of Pensacola; By which Commitment of the said Ralph Walsh, the Command of His Majesty's Troops in this Garrison devolves on you.

These are to will and require you in His Majesty's Name to direct the Gates of His Garrison of Pensacola to be opened for the Admission of His Majesty's 21st Regiment now forceably prevented from Entering.

Whereof fail not at your Peril.

Given under my Hand and Seal at Arms this first day of February 1766.

In the Sixth year of His Majesty's Reign.

(Signed) George Johnstone.

Copy.—Primerose Thomson Secry

Record of Council Proceedings.

No 33.

Minutes of a Council held at Pensacola Febry 1st 1766.

Present

Honorable
His Excellency Governor Johnstone
Lt Governor Montfort Brown
Elias Durnford
William Clifton
George Maxwell
John Hannay
Esquires.

The Governor acquainted the Council, that agreeably to their Advice he had Ordered Lieu^{t} Collonel Maxwell hither with the principal part of his Majesty's 21st Regiment in Order to confine L^{t} Collonel Ralph Walsh for Mutiny and Disobedience of Orders, that the said L^{t} Collonel Maxwell with the principal part of his Majesty's 21st Regiment had accordingly come into this Bay on board Vessels hired for that purpose, that the Governor in prosecution of the Advice of the Council had Ordered him to land and March into this Garrison; that the said Lieu^{t} Collonel Maxwell with the Major part of the 21st Regiment had accordingly landed and were proceeding into this Garrison, when they were stopp'd on their March by L^{t} Collonel Walsh's shutting the Gates of the Garrison against them, and had Order'd the Artillery to be Loaded and the Troops under Arms to oppose their Passage, that all things were tending to the utmost Confusion and the perfect interruption of the regular Course of Government; that all Egress & regress, were denied him (the Governor) or his Attendants out or in of the Fortress; that during such Convulsions of Government, he had gone to look for the Justices of the Peace, without being able to find any who were qualified; that the Affidavit he produced had been made before him by M^{r} Primerose Thomson; that he was also an Eye Witness to most of the Facts; that he apprehended the Conduct of L^{t} Collonel Ralph Walsh did Amount to high Treason; that in Consequence he had Issued his Warrant to the Provost Marshall for apprehending the said Ralph Walsh to be examined before him and the Council touching his behaviour; that the Provost Marshal, from seeing so many Men in Arms, had expressed some doubt of resistance; that in Consequence the Governor had gone and apprehended L^{t} Col^{o} Ralph Walsh himself, and delivered him to the s^{d} Provost Marshal; that he had called on M^{r} Durnford and carried him to the Gates to be a Witness, that all Egress and Regress was denied him.

That soon after L^{t} Collonel Walsh had been committed to the Custody of the Marshall, the Gates of the Garrison were open'd, and the 21st Regiment were admitted.

That L^{t} Colonel Walsh was now in Custody to be examined before the Council, if they thought proper; that altho' the Governor never would Admit, that the Governor in Council had not full Power to bring all Persons before them, for examination, touching Crimes against the Province or the state, yet now that the Common Channel of Justice was open he never desired to have recourse to extraordinary Powers when the Common Method would do.

Whereupon M^r^ Primerose Thomson was called in, Sworn and examined, relative to the Affidavit he had made, which he confirmed.

Elias Durnford Esq^r^ was also examined upon Oath, and declared, that his Excellency the Governor came to him, and ask'd him, if he was qualified as a Justice of the Peace, to which he answered, No. The Governor then desired him to go round the Garrison, and to take Notice, that all the Gates were shut and every Avenue to the common Course of Justice stopp'd up. That the Deponent heard the Officer of the Guard declare he had Orders not to open the Gates to any Person whatever.

Resolved. The following Resolution was then propos'd. That it is the Opinion of this Council, that in the Emergency that then prevailed, The Common Course of Justice being cutt off and to prevent the Bloodshed which might have ensued, That his Excellency the Governor Acted properly. in issuing his Warrant to apprehend L^t^ Collonel Ralph Walsh.

To which M^r^ Clifton beg'd leave to Dissent. L^t^ Governor Brown said, that it was so very delicate a Point, he declined giving any Opinion in the Affair.

Every other Member present acquiesc'd in the Motion.

His Excellency the Governor Proposed the following Motion.

Resolved, That as the Common Channel of Justice is now open That it is the Opinion of this Council, that L^t^ Collonel Ralph Walsh should be taken before the Chief Justice to be dealt with according to Law.

A True Copy of the Minutes of Council held at Pensacola Feb^ry^ the first 1766.

Witness Geo. Johnstone. Alex^r^ Maclellan.

Dep^y^ Prov^l^ Secry & Clk of Councl^l^

Colonel Walsh Examined.

Copy. No 34.

The Examination of Colonel Ralph Walsh,
taken this first day of February 1766.

Upon his being ordered to North America, His Majesty was pleased to give Orders directed to this Examinant and sign'd by His Majesty, Viz^t "Upon your arrival in America, "you are to follow such Orders as you shall receive from Major "General Gage, or the Commander in Chief of Our Forces in "those parts for your further proceedings". That in Consequence of those Orders this Examinant did put himself under the Directions of General Gage, and has received Orders from him, wherein he looks upon this Examinant as military commanding Officer in Pensacola; and that the civil Governor Johnstone has not the least to do with the military, nor ever had; but has usurped a Command which he was no way intitled to, from these Circumstances this Examinant thought it his Duty as military commanding Officer in Pensacola, and that he, and he only was responsible for the Fort and Garrison, and never having been informed, that any Enemy appeared or any Invasion was threatned, upon seeing two Vessels enter the Harbour with armed Troops on Board, this Examinant order'd the Gates to be shut, and augmented the Guard, and sent to know the reason of their coming, as he never was acquainted that there was occasion for them; upon which Colonel Maxwell waited upon this Examinant, and acquainted him that they came by the civil Governor's Order, upon which this Examinant told him the said Colonel Maxwell, that he was afraid he had done an unjustifiable thing, as the civil Governor had no Authority to order a Commanding Officer from his Garrison, nor could answer for it; nor could he this Examinant admit him, nor his Troops into the Garrison, where he this Examinant had the honour to Command; but that as the civil Governor had sent for them, he might find them Quarters in the Town, or he this Examinant would assist them to encamp; And upon this Examinant's shewing the said Colonel Maxwell General Gage's former Orders together with his Orders to Lieutenant Colonel Wedderburn to enforce what he said, He thought this Examinant had acted right, and behaved like an Officer in not permitting Troops to enter the Garrison, where this Examinant commanded without his leave. That notwithstanding this, contrary to General Gage's Orders and in Conformity to the civil Governors, he did march to the Water Gate this Morning with fixed Bayonets, Drums beating and Colours flying, and did demand entrance for himself and his Troops, saying, that he was come to take the Command of the Garrison by the Governor's Orders, which this Examinant refused; Upon which said Colonel Maxwell sent and acquainted the civil Governor, who ordered him to enter in Defiance of this Examinant and General Gage's Orders by Force of Arms, which Colonel Maxwell prudently refused. Upon which, without any Warrant or Authority for so doing, the civil Governor Johnstone came to this Examinant, and clap't him upon the Shoulder before the Troops this Examinant commands, and said he arrested this Examinant for High Treason; which this Examinant submitted to, and went along with him the prevent the Effusion of Blood; And has been in Custody of the common Goaler from twelve o'Clock to five in the Afternoon, and has been attended by, and sent about with the said Goaler, like a common Felon.

(sign'd) Ral: Walsh, L^t^ Col: to
the 31^st^ Reg^t^

Taken before me the
Day and Year first before written.
(sign'd) Will^m^ Clifton Ch: J:

a true Copy of the Original
T. Hardy Clk: Cu^r^

Colonel Walsh discharged.

N^o^ 35.

Copy of an Order from William Clifton Esq^r^ Chief Justice of West Florida to the Provost Marshall for the Discharge of Lieu^t^ Colonel Walsh.

West Florida Ss:

Memorandum this first day of February One Thousand

Seven Hundred and Sixty Six. Whereas Lieutenant Colonel Ralph Walsh being sent before me the honorable William Clifton Esq^{r} Chief Justice, by order of His Excellency George Johnstone Esq^{r} Governor of this Province, who at the same time appeared before me, and made Information upon Oath of Sundry Articles of Complaint against the said Ralph Walsh; at which time also was sworn again Primerose Thompson Esquire to an Information before taken and sworn before before his said Excellency the Governor—And whereas the Provost Marshal of this Province at the same time made a return to a Writ of Habeas Corpus to him directed, by which it appears that the said Ralph Walsh was this day arrested by him by Virtue of a Warrant of His said Excellency George Johnstone Esq^{r} requiring the said Provost Marshall to bring the Body of the said Ralph Walsh before His said Excellency the Governor to be examined concerning the said Ralph Walsh's Stopping His Majesty's Troops; And Whereas on reading of the aforegoing Depositions and the Examination of Lieutenant Colonel Walsh likewise taken before me, and upon due Consideration of all and singular the Premises; And it appearing to me that the Matters alledged in the beforemention'd Information of his Excellency Governor Johnstone have arisen from the Disputes which have so long subsisted between his said Excellency the Governor and the Commander of His Majesty's Troops, respecting their several Powers derived from the same Authority, (to Wit,) from His Majesty, to whom only or His Commander in Chief in America the Determination thereof belongs; And that there is not the least Colour for any legal Prosecution or cause of Commitment of the said Lieutenant Colonel Ralph Walsh I do therefore Order, that he be forthwith discharged out of the Custody of the Provost Marshall. Given under my Hand the Day & year above Written.

(signed) Will^{m} Clifton.

A True Copy.
Ja^{s} Johnstone.
Prov^{t} Marshall
To The Provost Marshall.

From Governor Johnstone to Col. Maxwell.

N° 36.

Copy of a Letter from Governor Johnstone to Lieut Colonel Maxwell Pensacola 1st February 1766.

Sir,

There are Six Indians at the Water Gate who desire to speak with me. I desire you will be pleased to give Directions, that they may be admitted into this Garrison for that Purpose.

I am with great Respect,
Sir,
Your most Obedient
Humble Servant.
(signed) George Johnstone.

Copy.
Primerose Thomson Secry
Lieutenant Colonel Maxwell.

Colonel Maxwell to the Governor.

N° 37.

Copy of Lieut Colonel Maxwell's Letter to Governor Johnstone Pensacola Febry 1st 1766.

Sir,

I have this Moment the Honor of receiving your Excellency's Note with respect to Six Indians who are now at the Water Port. As I have only been admitted into this Garrison as upon my March, I decline taking any Command, according to the Custom of the Service on such Occasions.

I am with the greatest Respect,
Sir,
Your Excellency's
most Obedient and most
Humble Servant,
(signed) Edward Maxwell
Lieut Coll 21st Regimt

Copy.
Primerose Thomson Secry
To
His Excellency Governor Johnstone.

From the Governor to Col. Maxwell.

No 38.

Copy of a Letter from Governor Johnstone to Lieut Colonel Maxwell Pensacola 2d February 1766.

Sir,

I had the Honor of your Letter in Answer to my Letter to you respecting Six Indians.

I must acknowledge I cannot after mature Reflection understand the Reason or Intention of your Arguments. The great Deference I have for your understanding makes me doubt my own Faculties, when they differ with you in Opinion.

By my Letter of the 20th Jany wrote with the advice of the Council, you was ordered to come hither.

In my Letter of the 31st enforcing and Explaining that Order, you are directed to Land and March into this Garrison, where you are to be quartered; accordingly a Billet of Quarters was delivered to you, which I imagine puts this Matter beyond all Doubt. Nevertheless that no mistake may arise, I again repeat, that you are hereby required, by and with the Advice of His Majesty's Council for this Province, to remain with the principal Part of the 21st Regiment to reinforce this Garrison, where you will undoubtedly take that Command, which in your Rank and Duty belongs to you.

If you are under the least Doubt what this may be, I do declare for the Peace of His Majesty's Province, and the Good of His Service, which I Perceive on the brink of Ruin, that I am ready to Subscribe to whatever Line your good Understanding shall determine. But you are very sensible these Indians are not to be left in Suspense; For perhaps by the slightest mismanagement the Lives and Properties of many hundreds of His Majesty's Subjects do now depend Agreably to the King's Intentions I do not think when you are in Garrison here, that I can with Propriety send Directions or even Requests, (if you like that Expression better), to any other Officer on His Majesty's Service as Commanding the Troops.

I am with great Esteem and Respect,
Sir,
Your most obedient, and
most humble Serv^t
(signed) George Johnstone.

Lieutenant Colonel Maxwell.
Copy.
Primerose Thomson Secr^y

From Governor Johnstone to Col. Maxwell.

N^o 39.

Copy of a Letter from Governor Johnstone to Lieu^t Coll^l Maxwell Pensacola 3^d February 1766.

Sir,

By the Advice of His Majesty's Council for this Province, I make application to you to confine Lieutenant Colonel Ralph Walsh of His Majesty's 31^st Regiment in order to bring him to a Court Martial, for Mutiny and disobedience of Orders.

The particulars of which Charge are contained in a copy of a Letter to Major General Gage Commander in Chief of His Majesty's Troops in North America, here inclosed, and which has also been transmitted by me to His Majesty's Secretary of State to be laid before the King.

I have further to add, that since transmitting the above Charge Lieutenant Colonel Ralph Walsh on the 1^st day of February did Order Serjeant Macfadden of the 31^st Regiment to take forceable Possession of a House appointed by the King's Authority for the Register of this Province, and where all the Public Registers are now kept, upon which depends the security of the Property of every Man in this Province; and that the said Macfadden did in Consequence of such order actually Endeavour to take forceable Possession of the said House assisted by many other soldiers of the said Regiment; and did Actually enter the Apartments thereof and did Seize and endeavour to turn the said Register of the Province out of the said House, notwithstanding the said Register is at the same time one of His Majesty's Council for this Province, to whom His Majesty has been pleased to Grant every Privilege and Protection incident to Councillors to His Majesty in any other Part of His Plantations.

And also that the said Lieutenant Colonel Ralph Walsh did shut the Gates of His Majesty's Fortress of Pensacola against His Majesty's 21st Regiment marching into the said Garrison of Pensacola by the King's Authority: And by force of Arms did prevent the Governor in Chief in and over His Majesty's Province of West Florida, and the Chancellor of the same, from going out, or coming into the said Fortress of Pensacola or any Person in his Name.
Whereby the said Ralph Walsh became guilty of High Treason.

I beg leave also to acquaint you, that no application has been made to me for the Parole for some time; That I do not now give it; That the Parole I have regularly sent has been refused; And I now make Application to you for Redress in these Respects.

I am with a perfect Esteem and Regard,

Sir,—Your most Obedient and
most humble Servant,
Copy—. (Signed) George Johnstone.
Primerose Thomson Secry
Lieutenant Colonel Maxwell.

From Colonel Maxwell to the Governor.

No 40.

Copy of a Letter from Lieut Colonel Maxwell to Governor Johnstone Pensacola February 3d 1766.

Sir,

I should have immediately answered your Excellency's Letter which I had the Honor of receiving yesterday, had I not been employed all the Morning in settling those Matters which you were pleased to Charge me with the Evening before.

It gives me great concern that I have not been able to explain to your Excellency my Sentiments in a satisfactory manner by my Note of the 1st Inst I meant to say. that it is not usual for an Officer tho' of a Superior Rank to the Commandant to take the Command of a Garrison or Quarter he marches into, where he may be only considered as a Passenger.

Your Excellency will do me the Justice to own that I have Obeyed with the Greatest exactness your Orders of the 20th & 31st of last Month; and that I have likewise upon all other Occasions, shewn by my readyness to comply with your Directions the pleasure I take in doing every thing which I imagine may be agreable to you; If I should therefore ever differ from your Excellency's Opinion I hope you will be so Candid as to impute it to the want of understanding to Comprehend my Duty and not to any perverse Humor which I detest.

Your Excellency does me the Honor to tell me, that, by the advice of His Majesty's Council for this Province, you require me to remain here with the Principal part of the 21st Regiment; this measure would be most agreable to me, as well as conducive to the Health of the Corps under my Command; But as His Majesty has ordered me to relieve the 22d Regiment at Mobile, and as the Commander in Chief censured Lieutenant Colonel Wedderburn for quitting that Garrison and remaining here upon a former Occasion, I dont know how my Compliance with your Excellency's Orders can be reconciled to my Original Instructions and the Opinion of General Gage; at least I am afraid it will render me liable to reproof, which must ever be disagreable to an Officer and a Gentleman.

I there fore, beg that your Excellency would be pleased to take the Reasons which I have presumed to offer into Consideration and permit me to return to Mobile by the first Cheap and Convenient Opportunity, where the Garrison is very Weak and Sickly.

I am with the greatest respect,

Sir,—Your Excellency's
most Obedient and
most humble Servant,
(Signed) Edward Maxwell.

To—His Excellency Governor Johnstone.

Copy
Primerose Thomson Secry

From Colonel Maxwell to the Governor.

No 41.

Copy of a Letter from Lieutenant Colonel Maxwell to Governor Johnstone dated February 6th 1766.

Sir,

I was honoured with a Letter from Your Excellency of the 3d Instant making Application to me, by Advice of His Majesty's Council for this Province, to confine Lieut Colonel Walsh, in order to bring him to a Court Martial for Mutiny and Disobedience of Orders; as I had written to Your Excellency on the same Day, requesting that you would be pleased to permit me to return to Mobile with the Corps under my Command, I thought the Reasons I then gave for making this Request would be a sufficient Excuse for declining to comply with Your Application of the same Date; but as You were pleased to desire me Yesterday to give an explicit and direct Answer in Writing, that it might be laid before the Council, who would by this Means be the better enabled to judge of the Propriety of my Request to return to Mobile, I beg leave, in Obedience to Your Excellency's Directions, to acquaint You, that by His Majesty's Instructions of the 6th of May 1765 I am required, upon my landing in America, to obey all Orders I should receive from Major General Gage, Commander in Chief without Reserve or Limitation, as His Majesty does not mention in those Instructions any other Person whom I am to obey at any Time or upon any Occasion and the Instructions being directed to me as Lieutenant Colonel of, and commanding the 21st Regiment of foot, I can have no Scruple about their Authenticity, now General Gage in his Letter of the 31st of July last to Captain Simpson of the 35th Regiment, of which Your Excellency has a Copy says, "no Officer commanding any where is to submit "to an Arrest, but by an Order from the Brigadier or Officer "commanding in his District, or from a superior Officer, on "whom he depends, and from whom he is detached, or the "Commander in Chief" and in another part of the same Letter, he adds, "I have thought proper not only to send You my

"Opinion of the matters in Question; but to acquaint You "that you are to look upon what I have said to You, as positive "Orders given to You or other Officers in like Circumstances "for the Regulation of their Conduct hereafter;" now Lieutenant Colonel Walsh being neither in my District, nor detached from me, will certainly not submit to my Arrest, even if I were so imprudent as to take this Step contrary to the General's Opinion.

I beg leave again to request Your Excellency would be pleased to send the Detachment under my Command in the cheapest and most convenient manner to Mobile, the Post assigned to the 21st Regiment by His Majesty. —I am with the greatest Respect, Sir,—Your Excellency's

most obedient &—most humble Servant,
(sign'd) Edward Maxwell.

His Excellency Govr Johnstone.

The Governor to Lieut. Col. Maxwell.

Copy. No 42.

Pensacola, 9th February 1766.

Sir,

I took the earliest Opportunity after the Rising of the Court of Justice, (before which I could not form a Quorum) of laying your Letters of the 3rd and 6th of February before His Majesty's Council for this Province, for their advice thereupon, who were of Opinion;

"That as Lieut Colonel Maxwel has declared under his "Hand, that he cannot comply with the Order of the Governor, "made by the advice of this Council, for confining Lieut Colonel "Ralph Walsh in order to bring him to a Court Martial, for "Mutiny and Disobedience of Orders; and that he Lieut Colonel "Maxwell has also declined taking the Command of His Majesty's "Troops in this Garrison, as it was his Duty to have done; "That therefore, as the Benefit intended to this Province cannot "be derived from his Presence here, The Governor should "grant his Permission, for the 21st Regiment to return to "Mobile, that His Majesty's Service in that part may suffer "no Detriment."

It is with a perfect Sense of that Respect which is due to your Character, not only from the Rank in which you serve His Majesty, but from that Politeness and Wisdom which accompanies every Action of Yours, that I acknowledge your Promptitude, and Exactness, in complying with my Orders of the 20th of last Month; and that you have likewise, on all former Occasions shewn a Readiness, to comply with any Directions, which I could imagine would prove of Advantage to this Province.

But at the same Time I do acknowledge Those Facts, I must also confess, that instead of receiving any Satisfaction by these Reflections, that on the Contrary, they rather serve to render the whole of your Subsequent Conduct more Mysterious and disagreable; For certainly you knew the Purpose of your coming hither before you set out, and therefore if you Conceived you could not execute that Purpose, agreably to His Majesty's Decision of the 9th February 1765, respecting the Powers of His Governors of Provinces and Military Commanders, it would have been better you had not put your Regiment to so much Trouble, or the Government to such useless Expence.

The Opinion you conceived of His Majesty's Decision of the 9th February is perfectly fixed by your former Letters to me, and by your Motions in Consequence of my Order of the 20th Ult.

How that Opinion became altered by the Copies of the Copies of Letters to Captain Simpson and Lieutenant Colonel Wedderburn, which were never transmitted here in the Line of Orders, I cannot say. And I humbly presume to think, that supposing they can be considered as Orders, the Quotations You have made will not vindicate that sudden change of Sentiment you have shewn; More especially as this very General in the Copies of the Letters alluded to, with an Energy peculiar to himself, Declares, he does not mean to make any alteration in His Majesty's Decision; But on the contrary "that it is "to be obeyed precisely in the Manner prescribed in the King's "Orders, & in no other manner. And that you obey those "Orders implicitly and literally, without any Comments, Argu-"ments or Annotations whatsoever."

Now, how I can have the Power of marching Troops hither, and the Disposition of them without being able to bring them into the very Fortress where I chuse to dispose of them, is beyond my Comprehension. Or, that an Officer can be ordered to march into a Garrison, there to remain, and, when he arrives, by virtue of that order, shall be able to tell the Person who Ordered him, "I am still upon my March, and am only a Passenger." Or that a Man can be said to have the superior Command in a District, who has no Commission for that Purpose, when there is a Junction of Corps, and an older Officer in the same Garrison, and on the Spot, and where there is also a Power existing superior to both, who can order the one and the other, into any District of the Province, which he, with the advice of His Majesty's Council, may think proper.

It will not be denied, I could order Lieutenant Colonel Walsh to March into your District, as you are pleased to term it, since you have been polite enough to come into his District, upon a like order. And even in Cromwel's Time, when Military Districts were better defined, upon the Junction of any Body of Troops, in whatever District, the Oldest Officer took the military Command.

I must observe to you that when General Gage found fault with the Conduct of Lieutenant Colonel Wedderburn, in remaining here to take the Command, that Colonel Wedderburn had no Orders for that Purpose; His Conduct proceeded intirely from a Conscious Conviction, that His Majesty's Order was grossly abused, and that eternal Confusion must follow from the Interpretation (quasi Imperium in Imperio) that Captain Simpson endeavoured to put on it.

The fear of Reproof, which you Express, is becoming the Dignity of your Mind, and the Gentleness of your Temper; and I heartily wish, in avoiding the Reproof of General Gage, you may not become liable to that of His Majesty. For to speak plainly, the simple Question seems to be, Whether His Majesty's explicit Decision, or the unintelligible Comment of General Gage thereupon, transmitted thro' no authentic Channel, is to determine the Conduct of an Officer, where the Public Service, is very Essentially concerned.

Upon the Whole, if my Reasoning in imperfect, I have only to request the same Charity towards my Conduct, which you was pleased to ask, in so flattering a manner respecting your own, in your Letter of the 3rd

I cannot conclude without acknowledging the Mortification I feel, in finding your Opinion so directly against me, neither can the Politeness, with which it is covered, alleviate my sorrow. It ever has been my Character, to disregard the Opinion of the Vulgar, Great, and Small, which renders my Situation more sensibly affected, when with the most upright Intentions, I have the misfortune to differ in Opinion with a Man of established and undoubted good understanding.

I am,
With the greatest Respect,
Sir,
your most obedient
most humble Servant
(signed) George Johnstone.

Lieutenant Colonel Maxwell.
Copy,
Primerose Thomson Secry

From the Governor to Colonel Walsh.

Copy. No 43.

Pensacola 26th Febry 1766.

Sir,

By the Advice of His Majesty's Council you are hereby order'd to send a Serjeant and twelve Men from His Majesty's 31st Regiment under your Command on thursday next, along with Elias Durnford, Engineer, who will point out the Ground near the Mouth of the River Escambe, where the said Troops are to encamp in order to protect an Establishment to be made there by some french Emigrants sent to this Province by His Majesty; to which Establishmment you will therefore direct the said Troops to be aiding and assisting in all things within their Department.

This Protection is intended to be continued for about two Months.

Whatever Provisions, Ammunition, Tents or Baggage you may chuse to send with this Party, shall be conveyed in the Schooner, Whim.

I am,—Sir,
Your most obedient
humble Servant,
(sign'd) George Johnstone.

Lieu^t^ Colonel Walsh.
Copy—Primerose Thomson Sec^ry^

From Colonel Walsh to the Governor.

N^o^ 44.

Copy of a Message from Lieu^t^ Colonel Walsh to Governor Johnstone dated at Pensacola 26^th^ February 1766.

Sir,

I am desired by Lieutenant Colonel Walsh to acquaint your Excellency, that he received a Letter from you this Morning, in which he imagines there must be a Mistake either on your side or your Secretary's, as you well know the Colonel cannot obey any Order of yours; but as the Application is for the good of the Colony, and the Colonel is determined to do every thing in his Power for the benefit of it, he will therefore order a Serjeant and twelve Men, with their Arms, Baggage &c^a^ to attend M^r^ Durnford on Thursday Morning.

Wrote by Lieutenant Pilot Town Major, and read as his Message sent by Lieutenant Colonel Walsh to Governor Johnstone, in Presence of Primerose Thomson Sec^ry^
Pensacola—26^th^ February 1766.

From Governor Johnstone to John Pownall.

Copy. N^o^ 45.

Pensacola 1^st^ April 1766.

Sir,

In my Letter of the 26^th^ of February by the Way of New York, a Copy of which is here inclosed, I attempted to communicate sundry heads of the causes of some late Convulsions in the Government of this Province and the imperfect state of Society in which it stands at present. I shall now extend by separate Letters upon each of those Heads, humbly requesting the serious attention of the Board of Trade on Matters of so much Importance to this Province; and fondly hoping, tho' it is situated at the Boundary of the British Empire, and only now emerging into Existence; yet, that the Decision of Matters which so nearly concern its future, Prosperity or Destruction, shall not be lost amidst the multitude of greater Concerns, which I must Necessarily suppose to Occupy the attention of their Lordships about this Period.

The only conclusion I shall presume to draw, after stating Facts, and the reasons for my Conduct, is, that a Public Example seems necessary somewhere; If I have so far misunderstood my Duty, and the Construction of plain Language, as to Merit the Gates of the Garrison being shut against me at Noon Day, and fixed Bayonets pushed for my destruction, I am certainly unworthy of the Trust, which His Majesty has been pleased to repose in me; If on the other hand I was legally exercising those Powers which are Constitutionally intrusted with me, when I was thus opposed, and thus treated, it seems equally certain, that the persons, who did execute those acts of violence, are also unworthy of His Majesty's Favor.

I must beg leave to observe, that the whole of the Convulsions on the North American Empire seem to me to arise from the same cause, That of the power of the Sword in case of resistance to lawfull Authority being taken from the chief Executive Magistrate, and left to the Discretion of a second Person Which has generated, almost in every Province one of the strangest situations which a modern politician could suppose; Namely, That of an unruly Mob, in the most notorious acts of rebellion against the sovereign Power of the Empire, addressing and appealing to the moderation of the standing military Force on such Occasion. Whereas the chief Purpose of a Military Force, if such an Institution is necessary in the extent of Empire, must ever be, under the Direction of the principal Magistrate, on the instant to suppress the first sparks of sedition, well knowing how necessary it is to check the progress of Rebellion in the beginning, before the union is formed, and the Means of retaining Men in obedience, is exposed to vulgar conceptions, or the rage of the Multitude is let Loose.

If this Idea of applying to the discretion of a second Person, without a power of Arrest, or method of enforcing immediate Obedience to the Directions of the Superior Magistrate, did not leave a void, and generate Hope, in the Minds of Men on considering their conduct; Can it be supposed that so feeble a Province as West Florida consisting of eighteen hundred or two thousand Inhabitants, and possessing two Regiments; That this Province could ever hesitate in admitting the Decrees of a British Senate?

In short, a Military Force existing under the discretion of a second person, and independant of the Governor of the Society or state, seems to me the greatest Solecism in Politics, which must either end in Anarchy on the one hand, or despotism on the other.

His Majesty, by His Decision of the 9th of February 1765, was pleased to determine a Mean, whereby the Business of the Community might be transacted: But this Decision has been wrested to a Construction so contrary either to the Language in which it is expressed, or the Reasons upon which it was given, that, I am persuaded, Their Lordships will take immediate Measures for rectifying the confusion it has generated.

I am with a perfect Respect,
Sir,—Your most obedient, and—most humble servant,
Geo: Johnstone.

John Pownall Esqr
Secretary to the Right Honorable—The Board of Trade.

From Governor Johnstone to John Pownall.

Copy. No 46.
Pensacola 1st April 1766.

Sir,

By my Letter of the 28th of January I communicated the Particulars of all the Proceedings relative to the Behavior of

Lieutenant Colonel Walsh till that Date. My Affidavit before the Chief Justice M^r Clifton, here inclosed, dated the 1st of February, contains an Account of the further Transactions respecting M^r Walsh till that Period.

Though I apprehend the original Papers are sufficient, on the Face of them, to vindicate every Part of my Conduct; yet as I have heard several Objections, and as this Difference between the Governor of the Province & the Senior Officer of the Troops in Garrison, has occasioned the Licence of the Populace to break forth, already much agitated on Account of the Stamp Act, and seeing the ultimate Power of restraining them snatched from my hands, I shall therefore state every Objection I have heard, and endeavour to answer them.

It is first alleged, I had not any Authority to Order the principal Part of His Majesty's 21st Regiment hither. Which is sufficiently answered by quoting the Words of His Majesty's Decision of the 9th February 1765, "That in Cases where no "Specific Orders have been given by the Commander in Chief, or "by the Brigadier General, Commanding in the District, the Civil "Governor in Council, and, where no Council shall subsist, the "Civil Governor, may, for the Benefit of his Government, give "Orders for the marching of Troops, the Disposition of them, "for making and marching Detachments, Escorts, and such "purely Military Services, to the Commanding Officer of the "Troops, who is to give the proper Orders for carrying the same "into Execution," &c &c. And that Lieutenant Colonel Maxwell did believe I had such Authority, in Consequence of that Decision, is evident, by his Obedience to the Order, as well as from innumerable Letters from him to me on this Subject, blaming the Behavior of those who formerly opposed me.

It is next alleged, that in seizing the Body of Lieutenant Colonel Walsh, and that in committing of him to the Custody of the Provost Marshal, I had acted arbitrarily, and contrary to His Majesty's Instructions, where it is said, I shall not, by myself or by Deputy, execute the Office of a Judge, or Justice of the Peace.

Their Lordships will be pleased to observe, that no other Magistrate was to be found in the Garrison, or any Egress to the

Principal Justice. That Matters had been thus artificially contrived between Mr Clifton and Colonel Walsh, in order to obstruct the Course of Government, and to introduce this Dilemma, Well knowing that in Case I was permitted to summon His Majesty's Council, I cou'd easily, by their Advice, have directed the Colonel to have marched out of the Garrison, by which the other Regiment could have entered without Opposition.

It therefore became necessary to act in some Measure either by acknowledging that the Order, which was given to Colonel Maxwell of the 21st Regiment to march into the Garrison, was improper and unjustifiable; Or else to insist, that it was legal and proper, and in consequence to support it.

Conscious that it was necessary, legal and proper, I did resolve, at the Risk of my Life, upon the last Measure; And the means which I took were the only possible means left, and which actually did effect the purpose, without Bloodshed or any kind of oppression, Unless keeping Mr Walsh Prisoner in the Governor's House as long as he kept the Governor Prisoner in the Garrison, can be called so.

I do not in the smallest Degree apprehend, that His Majesty's Order, restraining the Governor from acting, by himself or by Deputy, as a Judge or Justice of the Peace, ever meant to prevent him from securing Delinquents, or suppressing Treason, Riots, or Affrays, or any Breach of the Peace, immediately committed in his View, which every private Person has a Right to do: But I apprehend that wise Instruction says no more, than that the Governor, neither by himself, nor by Deputy, in any Crown Matter, shall be able to *decide* or give *Judgment.* If it was otherwise meant, His Office of Chancellor wou'd be incompatible with that Situation.

For this Reason, in Obedience to the said Instruction; The Governor would not proceed even to examine Mr Walsh, until His Majesty's Council cou'd be summon'd and admitted; And when the common Channel of Justice was open, so far from wishing to exercise any arbitrary or oppressive Act, I was the first to propose the carrying Mr Walsh before his own Friend, to be dealt with according to Law. Whereas if any vindictive Spirit had operated on my Conduct, it would have been equally easy to have carried Mr Walsh before any other Justice, or, as Chancellor, to have committed him myself for High Treason, When no Habeas-Corpus could have relieved him. But on the contrary, I was willing his Conduct shou'd be decided upon by the Person who had advised him; Chearfully shewing I was ready, as the meanest Subject, to proceed in the mildest Course of Law, as soon as the ordinary Channel was open; Sensible the most partial Friend of Lieutenant Colonel Walsh cou'd not vindicate his Conduct to the Test of Justice or Reason.

It is thirdly alleged, that I had arrested Lieutenant Colonel Walsh for Treason, and, as the Chief Justice has declared, there was no Color for any Prosecution, I must therefore have acted arbitrarily and unjustly.

I hope the Opinion of the Chief Justice is not to decide on my Conduct.

The whole Question seems to turn on this, If the 21st Regiment was moving by Lawful Authority, That is to say, If the Order I issued to Lieutenant Colonel Maxwell, by the Advice of His Majesty's Council, was agreably to the Powers in my Commission, and His Majesty's Decision, the Person, who stopped those Troops on their March, & who did direct actual Force to be used against them, and the King's Governor, in opposition to His Majesty's Authority, deduced as above, was guilty of High Treason, according to the most generous Writer on that Subject, meaning Sir Michael Foster, Discourse 1st Chap. 2d Sec.: 10th & 11th. For here I must beg leave to observe the Error in the vulgar Opinion, that all High Treason must infer some immediate Design against His Majesty's Person, in which Opinion Our Chief Justice has very much exulted; Whereas nothing can be more untrue. His Majesty indeed is supposed to direct in the whole executive Part of His Government: But no Man will pretend to assert from hence, that the Persons, who were executed at Hexam, for opposing the Militia, had any direct Intention against His Majesty's Person, And yet they were found guilty of High Treason.

Mr Clifton is pleased to say, that the Matters alleged in my Information having arisen from the Disputes respecting our several Powers derived from the same Authority, namely, That of His Majesty, that therefore, none other, except His Majesty, or His Commander in Chief in America, can determine thereupon; which, I acknowledge, is a Doctrine, both in Law and Reason, very far above my Comprehension. It is certain, that all Authority is derived from the King, and that most of the Convulsions in Governm^{t} are in general Disputes about Authority. But it is the Law of the Land, and not the will of the Commander in Chief of His Majesty's Forces in North America, that must determine, which of the Authorities is Legal and Constitutional, and which is pretended, Illegal, and delusive.

Where an actual Breach of the Peace had been sworn, I do not apprehend, that any Judge (whatever Circumstances may be alleged by the Examinant) can dismiss from a Prosecution. He has it in his Power indeed to take what kind of Security for appearance he may judge proper, under the Information given: But whether there was, or is, any Cause for a Prosecution, is a matter for the Grand Jury only to determine upon, in my humble Opinion.

It is fourthly alleged, that the seizing of Serjeant Macfadden was an arbitrary Act.

I must beg their Lordships will observe, that the whole of my Conduct has been defensive, and to protect men against Acts of Oppression. When they are pleased to consider, that M^{r} Hannay is one of His Majesty's Council for this Province, to whom the King has been pleased to grant every Privilege incident to Councillors in His other Provinces; and when they will figure to themselves a Gentleman in that Station seized on a Moment's Warning, to be turned out of his Habitation, by the Ruffian Gripe of a Brutal Serjeant, And when they are pleased to consider, that this Gentleman is also Register of all Grants and Patents within the Province, upon the Preservation of which depends the Security of the Property of every Man in this Province according to His Majesty's Instructions Art 50th that therefore a Place was assign'd to this Officer within the Fort from the beginning; I am sure, the Board will see the Act of Violence and Outrage offered to the Government of this Country, in the Person of M^{r} Hannay, in its proper Light; And I hope they will be of Opinion, that my Behaviour, however spirited, was rather moderate, than deserving of a contrary Epithet. And what renders M^r Hannay's Treatment still more unjustifiable is the Reason which was alleged, Namely, That his Opinion in Council had been the most severe against Lieutenant Colonel Walsh.

It is fifthly alleged, that Lieutenant Colonel Maxwell adopted the same Opinion with Lieutenant Colonel Walsh, upon his entering the Garrison, as he refused to take any Command therein; And therefore, I was clearly in the Wrong.

In Answer to this I deny, that Lieutenant Colonel Maxwell did adopt that Opinion. But in case he has said to others what he never did express to me, I have only to produce the inclosed Letter under his own Hand, in answer thereto.

The Conduct of Lieu^t Colonel Maxwell was clearly to avoid being a Party in the Dispute of any Kind. How far he acted right or consistent with himself, in that, must be submitted to the Letters which have passed between Us. It will always give me great Pleasure to acknowledge the Virtues of that Officer, when I can comprehend the Motives for his Conduct.

Whether, in a public Commotion, a private Citizen might retire without taking a Side, has been a Question in Ethics; But how a publick Officer can excuse himself, who was so materially concerned and who is actually commanded by the 26th Article of War Sec. 14: I am at a Loss to comprehend.

At the same time, it is but Justice to acknowledge, that I owe the replacing my Centinels, the Honors from the Guards, the Admission of the Indians to the Fort, and the future Security of the Public Registers to his private good Offices, he having promised, before I wou'd give my Consent for his returning to Mobile, that he wou'd settle in a private Capacity, what he did not chuse to undertake in a public.

In the Examination of Lieu^t Colonel Walsh, it is there said, that Lieu^t Colonel Maxwell had given his Opinion to Lieutenant Colonel Walsh; "that he thought the Examinant had acted "right, and behaved like an Officer, in not permitting Troops to "enter the Garrison where he commanded, without his Leave." Which wou'd have been totally unworthy of Lieutenant Colonel Maxwell, who had given quite a contrary Opinion to me. And therefore I reproached him in public with M^r Walsh's Assertion. Colonel Maxwell told me he had seen the Examination before, and had immediately gone to M^r Walsh, and taxed him for having asserted so notorious an Untruth; Who had answered to Lieu^t Colonel Maxwell, that he was sensible Colonel Maxwell had not said so: But that he was advised, as being under Examination for a Charge of High Treason, that it was his Business to say whatever might tend to get him clear. And I had Colonel Maxwell's Permission to declare this publicly, on all Occasions, Which has never been contradicted.

The simple Matter is this. If I am responsible for the Province, and the Fortress where I reside, M^r Walsh has been guilty of the highest Breach of Duty, If I am not responsible for the one or the other, It is an Affront upon common Understanding to call me Governor.

We have had much Wit here, on the Word Civil Governor, Pretending to deduce from this that there must be a Military Gov^r and that therefore I can only intermeddle in Judicial Concerns.

This is reducing our dispute to the very Point on which we set out before His Majesty's Decision, Concerning which their Lordships were pleased to approve of my Arguments: But it is with great Sorrow I declare, that my Treatment before, however rough, might be termed Civility indeed in Comparison of what I have since suffered. For the People in their Conduct, are apt to ask, What then? as well as the Secretary to King Pyrrhus. And I have found, by fatal Experience, since the Stamp Act, that the ultimate Law of Kings is the first Law with the Populace.

With great Submission to better Opinions, I apprehend the Word Civil Governor to mean the Governor of the State, from the Latin Civitas. Tho' I do acknowledge, the Word Civil, as sometimes opposed to Military Affairs, & sometimes opposed to Criminal Affairs, & as sometimes opposed to Canon Law, and as sometimes opposed to Common Law, & as sometimes opposed to Statute Law, with many other Interpetations, are, sufficient to bewilder Brains more distinct than those of West Florida concerning its signification.

To expose this absurdity the more, I will now ask, Who has the Command of the whole Military Force within this Province? If it is said Colonel Maxwell, He declared he commands only at Mobile, and is only a Passenger when he comes with his Regiment to Pensacola. If it is said, Lieu^{t} Colonel Walsh, He indeed declares, that he is Brigadier at Pensacola, and has ordered himself the Honors of a Major General; but acknowledges he wou'd be under Lieu^{t} Colonel Maxwell at Mobile. If any body should be hardy enough to say, the Command is with the Governor, the Assertion of Colonel Walsh, in his Message by M^{r} Pilot directly contradicts this, & Colonel Maxwell, by his Conduct, has partly denied it. And yet to say, that Troops can exist in a Community, without any person having the power within that Community of ordering a Junction or Dispersion of the whole as Service may occur, wou'd appear very odd to a Man of common understanding.

To allege that the Governor has the Power of applying to the Commanding Officer of the Troops does not solve the Dilemma; For in case the Commanding Officer of the Troops is obliged to obey this Application, it is then an Order. If he is not obliged to obey the Application, the Power, and the Business is discretional with him.

The various Disputes, which have happened in Canada, where Burton, Haldiman, Tassel, Byres, the Quarter Master, and Governor, all claimed the Command at the same time, shew sufficiently the Derangement of Men's Ideas on this Subject. The future Expedient of Granting a separate Commission to General Murray, for commanding the Garrison at Quebec and six Miles around, tends also to demonstrate upon this Subject as on all others, that when common Sense, by the Refinements of Mankind, is shut out of the Door, tho' sent twelve hundred Miles back, she will return at the Window.

I am, with perfect Respect,
Sir,
Your most obedient and
most humble Servant, Geo: Johnstone.

John Pownall Esq^{r} Secry to the
R^{t} Honble the Board of Trade.

Deposition of Governor Johnstone.

(Copy). N° 47.
West Florida.

George Johnstone Governor in and over His Majesty's Province of West Florida Chancellor and Vice Admiral of the said Province, deposeth and saith, that, by the Advice of His Majesty's Council of this Province, he did order Lieut: Colonel Maxwell with the principal part of His Majesty's twenty first Regiment to march hither to reinforce His Majesty's Garrison of Pensacola, agreably to the Powers with which he is invested by His Majesty's Commission under the Great Seal of Britain and His Majesty's subsequent Orders, explaining those Powers; that the said Regiment or the principal part thereof did accordingly arrive, and did receive Orders to march into the Garrison of Pensacola accordingly, which they were prosecuting when this Deponent was informed, that Lieut: Colonel Ralph Walsh had given Orders for shutting the Gates of the said Garrison, and loading the Artillery thereof, and had drawn up Men in Arms to resist the Entrance of the said Troops moving by His Majesty's Authority committed to me, as aforesaid; that upon this Information this Deponent wrote to Lieu^t^ Col^o^ Ralph Walsh to acquaint him, that the said Troops were His Majesty's Twenty first Regiment commanded by Lieut. Colonel Maxwell, who were ordered by His Majesty's Authority committed to me, as aforesaid, to march into this Garrison of Pensacola, and directing that the Gates might be opened to receive them, or Words to that Effect; to which this Deponent received a verbal Answer that the said Lieut: Colo: Ralph Walsh would not permit them to enter or Words to that effect; that about the same time information was given to this Deponent, that the House wherein resides John Hannah one of His Majesty's Council for this Province and who is also Register of Grants and Patents was violently broke into by one Macfaddin Serjeant in His Majesty's 31^st^ Regiment, whom (meaning the said McFaddin,) the Possessor (John Hannah) with other Persons coming to his Assistance had again forced out of the said House, but that the said Macfaddin with several Soldiers armed with Bayonets were again endeavouring to make forcible Entry into the said House, and that a Messenger was sent to this Deponent to crave his Protection; that accordingly this Deponent immediately went to the said House, and found a Number of Soldiers assembled before it in a tumultuous manner, amongst whom was the said Mc Faddin; That this Deponent immediately ordered the Provost Marshall of the Province to take the said McFaddin into Custody, that he might be examined for so violent a Breach of the Laws of Government in due form; That accordingly the Deponent dispatch'd two several Persons to the Gates to go and summons His Majesty's Council together, and particularly to desire the Attendance of the Chief Justice, who severally returned and told this Deponent, that no body could neither go in, nor they go out of the Gates, which Gates were shut by Order of Lieut: Colonel Walsh; that the Deponent applied to Major Bromley respecting the Outrage of Macffaddin, who told this Deponent that the poor Man was rather to be pitied, as he Major Bromley had good reason to believe the Violence which M^r^ Mcffaddin had committed was by Order of Lieu^t^ Colo: Walsh; that thereupon this Deponent did endeavor to find out some person delegated to keep the Peace; that accordingly he went to Elias Durnford to acquaint him that he had been round the Garrison to endeavour to get out and summons His Majesty's Council together on this Emergency, & to apply to the Chief Justice of the Province, with whom all Communication was cut off; that particularly he did go to the Water port Gate with several Witnesses, and did shake and endeavour to open the same but in vain, saying aloud that he was Governor of the Province & wanted to apply to the Chief Justice for his Warrant against the Actors of such unjustifiable Proceedings; but notwithstanding he could not get out of the Garrison; that on or about the same time he received a very alarming Message from a Party of Indians by M^r^ Hyam or Lewis Serman this Deponent is not sure which—the said Indians desiring to know if Our Hearts were cross, and that if they were not admitted they should return, and consider it as the greatest Affront. That this Deponent sent the said Lewis Serman to the Officer of the Guard to desire him agreeably to general Orders which had long been given out here, that the said Indians might be permitted to enter, and to bring them to the House where this Deponent resides, who received for answer, as above, that no Indians were to be brought to this Deponent or admitted into His Majesty's Garrison of Pensacola by any Order of this Deponents; that this Deponent being further informed by Affidavit of Primerose Thomson now produced, as will more fully appear by the said Affidavit, that the said Lieutenant Colo: Walsh had actually given Orders for stopping His Majesty's Troops coming into this Garrison, and that there was actually a Guard drawn up with fixed Bayonets, and that he verily believed that unless the Civil Authority interposed much Bloodshed would ensue, & the common Channel of Justice being shut out and denied, therefore this Deponent, as the Chief and principal Conservator of the Peace in this Province, did issue his Warrant to the Provost Marshall for apprehending the said Lieut: Colo: Ralph Walsh, in order to bring him to Justice, and to prevent the Bloodshed that was expected; that this Deponent being informed that there was some Reason to apprehend Resistance to the s^d^ Warrant did proceed himself to the Execution thereof, carrying his Commission along with him, when he saw the saw the said Lieut. Colonel Walsh at the head of a Body of armed Men & the Gates of the Garrison still shut upon him, and Multitudes of People assembled around, and the King's Twenty first Regiment actually stopped, he did seize the Body of the said Lieutenant Colo: Walsh in His Majesty's Name to be examined in due course of Law, & did there after immediately make Application to Major Bromley complaining that the Channel of Justice was stopt by force of Arms & claiming Power of going or sending out of the Garrison to summon His Majesty's Council; that accordingly the Deponent was permitted to go out of the Garrison himself, but was denied leave of carrying Lieu^t^ Colo: Walsh in Custody out of the Garrison, or carrying any other person with him; that accordingly this Deponent did go out at the Water Gate, and did dispatch two several Messengers to the Chief Justice; that on his returning he this Deponent was refused admittance into the Garrison again, or regress to his House; that he did call out to to know by whose Orders the King's Governor was stopp'd from entring in the Publick day into his own House and the Place His Majesty had appointed for his Residence, who received for Answer, that it was done by Order of Lieut: Colo: Walsh, who still commanded; that thereupon this Deponent did mount over the Gate which was shut upon him, when several Soldiers with fixed Bayonets approached to prevent this Deponent entering the Fortress; that Mr Primerose Thomson, Secretary to this Deponent, did at the desire of this Deponent draw his Sword to defend this Deponent; that several Thrusts were made in the Sight of this Deponent at the sd Primerose Thomson, and two Thrusts at this Deponent as he came down from the Parapet, one of which did actually enter the Knee of his Breeches and tore the same; that immediately after to the best of this Deponent's Belief he did direct an Order to Major Bromley by writing for opening the Gates of His Majesty's Garrison, which was done accordingly; and the Channel of Justice being again free, by the Advice of His Majesty's Council he is now come before the Chief Justice to complain of the Behaviour of the said Lieut: Colo: Walsh in the Common Course of Law according to the Facts set forth in this Affidavit.

(signed)
Geo: Johnstone.

Sworn before me this
1st day of Feby 1766.
(Sign'd)
Willm Clifton Ch: J:

A true Copy of the Original
T. Hardy. Clk Cur:

From Governor Johnstone.

No 48.

Extract of a Letter from George Johnstone Esqr Governor of West Florida, to the Secretary to the Lords Commissioners for Trade and Plantations. Dated April 1st 1766.

Having been unjustly deprived of the Command of the Troops, and differing in Opinion with the Chief Justice, and the Lieutenant Governor being very willing to occupy my Place, It has more than once been under Debate to crave the assistance of Lieutenant Colonel Walsh, under the Auspices of our late Attorney General Mr Wegg, to depose me, and to appoint Lieutenant Governor Browne.

Of this I received pretty authentic Information, as may be seen by the inclosed Affidavit of Mr Collins.

But as all Jealousies of that Kind, unless effectually pursued, tend rather to encourage than prevent Disturbance; and as the Consequences of unraveling the Plot must have proved fatal to many, and thrown us into great Convulsions, I chose rather to imitate the Example of Caesar, in not wishing to know the whole List of my Enemies on this Occasion; being hopeful a little Time will remove the Prejudices against this Taxation, and being likewise satisfied they cannot carry their Scheme into Execution, unless the Military shall join them, which I am certain will not be the Case, whatever Part Lieutenant Colonel Walsh may be inclined to take.

In Justice to those who are of the Class of Gentlemen here, I must acknowledge their Decency and good Behavior on these occasions; and in Case any Memorial is transmitted Home against me, I think I may venture to aver, first, That there is not One Act of Partiality or Injustice which can with truth be imputed to me; and secondly, That there is not a Name affixed thereto, which any of the Gentlemen who have gone from this Province can aver were ever admitted into their Company when here, except it may be the Chief Justice, M^r^ Wegg, M^r^ Neil the Ordnance Store-Keeper, M^r^ Watts acting King's Commissary, M^r^ Noble the famous Broker for Spanish Purchases, Messrs Millers, in Company with Major Farmar, the Brokers for French Purchases, All of whom have found I was not to be biassed to Acts of public Injustice.

In these Matters, if any Representation should go Home, I would humbly request of the Board of Trade, First, That They will be pleased to give me an Opportunity of answering, and Secondly to remove any primary evil Impressions, that They will pleased to enquire of Lieutenant Colonel Wedderburn, or Sir John Lindsay, or M^r^ Macpherson, or M^r^ Maese of Manchester, or even Captain Simpson, tho' I had the misfortune of differing with him in Opinion, or any other Man of Character who has left this Province, who may be able to explain the Situation, and perhaps the Causes which may have operated with many of the Subscribers.

From Governor Johnstone to Secretary Pownall.

Copy. Nº 49.

Pensacola 1st April 1766.

Sir,

I am informed that the Spanish Governor Antonio D'Ullua, with Monsr Villemont Second in Command, and Ninety Spanish Soldiers, are arrived on a Frigate and Brig, at New Orleans.

I am told, by those who have seen the Letter, that Monsr Ullua has wrote to Colonel Walsh to announce his Arrival, and further acquainting him, that he proposes sending an officer to wait on him in Form. I have heard nothing of the Matter.

Their Lordships will see the ticklish Situation I must stand in, when this Officer shall arrive. Whether to give up all Dignity of my Commission, as Governor of the Province, on one Hand, or to run any Risk of checking an Intercourse we wish to encourage on the other.

But surely Colonel Walsh has nothing to do with these Negotiations; Perhaps Ullua wishes to foment our Disputes, that I may be deprived of seizing the first impression of engaging the French to emigrate.

The vanity of the Colonel is extreme on this Occasion. He is going about shewing this Letter to every Shop keeper, and saying, You see now, Gentlemen, the Spanish Governor looks on me as the Supreme Commander, and your Commerce with New Orleans depends on me, with many other Absurdities.

Whereas, I think the conduct of Ullua will tend, as much as any other Thing, to prove the ridiculous behavior of Lieutenant Colonel Walsh, in seizing the Command of the Fort, and acting independent of me, which could occasion Mr Ullua, to make so great a Mistake.

But I suppose, tho: an eminent Philosopher and Mathematician, he could not conceive two independant Chiefs acting in the same Community, and wisely knowing, by certain Calculations, that Power will always follow the Sword in the Center, much more at the Extremity, of the Empire; He has accordingly applied, where it is now lodged, "to Lieutenant Colonel Walsh "Commander in Chief of His Majesty's Forces at Pensacola."

I am, with a perfect Respect,
Sir,—Your most obedient, and
most humble Servant,
Geo: Johnstone.

John Pownall Esq^{r}
Secretary to the Board of Trade.

P. S.

Since writing the above, I have been informed, that this Behavior of M^{r} Ullua is in Consequence of the information given him by Lieutenant Colonel Walsh, in a Letter the Colonel Wrote to him.

Geo: Johnstone.

Deposition of Robert Collins.

Copy. N^{o} 50.

West Florida, Ss.

Robert Collins of the Town of Pensacola in the Province aforesaid being sworn on the Holy Evangelists of Almighty God, Deposeth and Sayeth, that some Time about the Middle of the Month of March 1766–He this Deponent was in Company with one Matthew Butler, Clerk to M^{r} James Noble of the said Town, And that he the said Matthew Butler told this Deponent, that there was going to be a great Revolution or Rebellion in the said Town shortly, (or Words to that Effect,) That this Deponent asked the said Matthew Butler what he meant; That the said Matthew Butler said, that M^{r} Noble had told him, that they was drawing up the Heads of a Remonstrance, (but could not finish it until the Return of M^{r} Wegg from Mobile, who was expected shortly, as there was an Express gone for him) in order to depose his Excellency Governor Johnstone, and to put in Lieutenant Governor Brown. This Deponent further Sayeth, that the said Matthew Butler told him, that, in order to carry the said Scheme into Execution, they were to demand Assistance from the Military, And that Lieutenant Colonel Walsh was to give them his Assistance. This Deponent further Sayeth, that, upon the said Matthew Butler's telling these things to the Deponent, That he (this Deponent) asked him, who was the People that were concerned in the said Plot; that he the said Matthew Butler told the Deponent, that the People who were concerned were all the Opposition to his Excellency the Governor, namely, M^r^ Wegg, M^r^ Noble, M^r^ Moore, Baker John Watts, acting King's Commissary, and that he believed M^r^ Clifton was the chief Projector, but that he (M^r^ Clifton) pretended not to be any ways concerned. And that M^r^ Noble and M^r^ Moore were the two that was to wait on Lieutenant Governor Brown; That upon the Deponent's remonstrating to him, what a dangerous thing it would be for them to attempt the least thing against his Excellency the Governor, as it would be the hanging of them all, and that this Deponent was surprized, that even if they had such a thing on the Carpet, that M^r^ Noble should be so weak to tell a thing of that Consequence to him, the said Butler, and that M^r^ Clifton must certainly know of what a terrible Nature such a Combination must be, as his Excellency certainly represents the King in this Province; and further that they should trust such weak Men as M^r^ Noble and M^r^ Watts; for that he (this Deponent) expected to hear it all through the Town, if once they were concerned (or Words to that Effect). This Deponent further Sayeth, that some Time after he met the said Matthew Butler, and told him that he would acquaint the Governor with what he had told him concerning the above; That this Deponent accordingly first told M^r^ Primerose Thompson the Governor's Secretary and M^r^ Maclellan the Provincial Secretary, (who he the Deponent lives with,) and afterwards repeated the Same to his Excellency the Governor. That upon this Deponent's mentioning the same to the Governor his Excellency observed the Impracticability of putting such a thing in Execution as it was not probable the Military would give the least Assistance. And as all the Inhabitants (except those mentioned) were very well satisfied and would soon join against any such Combination. That therefore his Excellency would let it die. For that if he was to proceed according to the Deponent's Affidavit, and as the Law directs, it would be the means of throwing the Colony into the greatest Convulsions and be attended with disagreable Circumstances in the Execution to the Party concerned And which for the Good of the Colony was much better to let drop as a thing that never was thought of or else spread by ill designing People who had the Ruin of the Colony at heart. And further to acquaint any one that mentioned such a thing that he (his Excellency) was sowing Beans in his Garden.

And further this Deponeth Sayeth not,

Sworn before me this
1st Day of April at Pensacola aforesaid Anno Domini 1766.
Geo. Johnstone.
Robert Collins.

From Governor Johnstone.

No 51.

Copy of a Letter from Govr Johnstone to the Secretary to the Lords Commissioners for Trade and Plantations Dated at Pensacola ye 1st of April 1766.

Sr

The Behavior of Lieutenant Governor Browne, since his Arrival here, has been so extraordinary, that I think it my Duty to report it at large to the Board.

Upon his first Arrival here, after maturely considering every Circumstance in the Dispute with Lieutenant Colonel Walsh, and attentively reading over every Paper, he gave his Opinion in Council, with various Reasons in Support of it, for sending for Lieutenant Colonel Maxwell, to confine Lieutenant Colonel Walsh, for Mutiny and Disobedience of Orders. When Lieutenant Colonel Maxwell arrived, he was of Opinion, The Governor and Council had no Authority to order him Admittance into the Garrison.

During the Commotion, when the very Existence of the Province was at Stake, Armed Troops without, directed to enter; and armed Troops within, drawn forth to oppose their Passage; The Wolf Indian King, with three hundred of his Warriors, within a Mile of the Town, And his Messengers stopped at the Gate; The Registers of the Country threatened to be thrown into the Streets, and His Majesty's Council kicked out of Doors. All Passage in or out of the Fort denied to the Governor or his Attendants; All means of summoning His Majesty's Council together prevented; Every Communication with the Chief Justice stopped; At this Period, was the Lieutenant Govr of the Province most active in countenancing and supporting the Author of all those Disturbances, Lieutenant Colonel Walsh, who six Days before, this Mr Browne had declared, according to his Opinion, merited Death for his Crimes. And even at this Period, the same Mr Browne was the Person employed in carrying Messages between Colonel Walsh and his Supporters. Nay when the Governor was mounting the Gates, to reenter the Fortress, from which they intended to exclude him, when the General Murmur, against him and his Secretary, issued from the Files, "Run him through," "Run him through," the Voice of Mr Browne was very distinguishable in that charitable Advice.

To solve the Reasons for this seemingly unaccountable Conduct, I must acquaint their Lordships, that various Tools for Husbandry, and other Necessaries, had been sent out, by order of the Board of Trade, with the French Emigrants. That for certain Necessaries, as in the inclosed List Lieutenant Governor Browne had received Money from Mr Ellis the Agent, in Consequence of which he Mr Browne had undertaken to furnish the said Necessaries here. That upon the landing of the said Emigrants, I did apply, at their Request, for the above things. All of which Mr Browne told me should be delivered. Next Day he came, and acquainted me that the Powder, Ball, Guns, Soap &ct had been forgot to be Shipped, as the Vessell had fallen down to Gravesend before he knew of it, with which Circumstance he had acquainted Mr Pownal, who had told him to keep the Money, as he had been at so great pains about them; and therefore he could not furnish those Articles.

I told Mr Browne, that the Circumstances appeared to me extremely extraordinary, more especially as I had the Honor of knowing the Exactness of Mr Pownal in all Public Concerns. Never the less as the Lieutenant Governor was pleased to assert the above Declaration as a Fact, I would not pretend to contradict it. However as the Articles were absolutely necessary for the Establishment of the Emigrants, I must take the Liberty of writing him a Letter on that subject, that the Matter might be fixed upon Paper, as a sufficient Vindication for my purchasing those Articles to supply them with. This M^r^ Browne conceived as doubting his Veracity, and parted in ill Humour. Never the less, I wrote the Letter as I proposd but instead of receiving the Declaration as above, I was favored with the Politest Letter, declaring, that tho' the Muskets had been forgot, he would nevertheless furnish, from his own Store, Muskets of three Times the Value allowed, but still saying nothing of the other Articles. The Ship was about to depart for Mobile, without landing even the Things that had been bought by Government, and Shipped by M^r^ Ellis. I applied to M^r^ Browne four several Times, in the genteelest Manner, without receiving any satisfactory Answer. When I was forced to acquaint his Captain, I should order him to be arrested for the Tools of Husbandry.

In short, these Matters produced Altercation between M^r^ Browne and me. He found it necessary to apply somewhere else. From whence a Friendship was closed between him and Lieutenant Colonel Walsh, to whom he delivered one of the French female Emigrants, as the Basis and Cement, which, I thought, was so far improper, as she came hither at the expence of the Government and stands on the List delivered to me.

From this Period, M^r^ Browne communicated to the Populace many private Conversations with General Conway to my Prejudice, whereby it was to be understood, that a Memorial was only necessary, from the meanest Inhabitant to produce my Dismission and his Appointment.

The poor ignorant North Americans, who would willingly have gone to Death in my Service Six Months ago, but who would now as civilly put me to Death in their Service, for believing the Legislature of Britain has some Authority in West Florida, as readily credited those Interviews between General Conway and M^r^ Browne, as a Turk is assured of the Interviews between the Angel Gabriel and Mahomet. From whence some Memorial was certainly hudled up, But whether it was transmitted or dropt, I have never been able to learn.

After long Negotiation Mr Browne did at length land the Tools of Husbandry, gave security for a Case of Books and Glasses to be sent from Mobile, delivered one and twenty vile Birmingham Guns, a Barrel of the King's Powder & a Box of the King's Ball, procured at this Place, which could not fit the Guns, demanded a Certificate from me that the said Guns, which never had cost Ten Shillings, were worth three Pounds. And for the Reasons above, and because I would not grant the Certificate, I am afraid I have forfeited forever the good Wishes of that Gentleman.

He was likewise pleased to complain of me for not publishing his Commission. I acquainted him, if he would make any application in writing to me for that Purpose, I should do it, as a matter altogether indifferent in itself, but that I conceived his Commission was a dormant Authority, to take place only in Case of my Death or Absence; Since he had no Salary affixed, nor Subject to any of the Directions of Government in Consequence, nor capable of exercising any Authority, except as President of the Council, in Consequence of His Majesty's Mandamus. He insisted he ought to have what he called the Civil Command at Mobile, Which as I did not then, nor do not now, understand what he meant to possess (further than a good House, he asked for) I cannot assert, whether I did right or wrong in refusing.

After the above Adjustment of the Affairs of the Emigrants Mr Browne was ingenious enough to get inserted in his Grant of Dauphine Island the House reserved for the Pilot, instead of the old Guard House, which the Governor and Council were willing to give him. Luckily I discovered the Imposition, both on the Pilot and the Publick, as appears by the Minutes of Council before the Great Seal was apprehended to the Grant. Mr Clifton having given his Opinion, that in Case the Great Seal had been appended to the Grant, tho' not delivered to the Party, that nevertheless no Alterations could be made, Mr Browne in order to retain the said House mentioned in the first Grant, did solemnly declare in Council, that he had seen the Great Seal appended to his Grant, and that therefore, as no Hole was in the Paper, the Grant then presented could not be the same, and must either have been forged by the Clerk of the Council, or fraudulently produced by me. Mr Clifton, whether depending on the Assertion of Lieut Governor Browne, or in confederacy with him, did also assert, that the Grant then produced was not the same which had formerly been Signed in Council. And the Truth was for some Time in Doubt, between the Asseverations to serve Mr Browne by a Mere Chicane on one Hand, supposing the alledged Fact to be true, and the Justice to the Public and the Pilot on the other; When happily I hit upon a Circumstance, that of the Stamp for so large a Quantity, none of which, had been before issued, And therefore I readily agreed to put the whole upon that Issue. Whether any other Stamp of that Value, excepting the Grant on the Table, had been issued which turned out to the Disgrace both of Mr Browne and Mr Clifton.

I am extremely sorry to have had Occasion to trouble the Board in Matters so much below their Importance and of Facts concerning a Man who has been appointed to such a Station. But it became necessary to state these Facts, both in Justice to myself and in Justice to the Public. If their Lordships will be pleased to enquire of the 35th Regiment, They will find this Gentleman was forced to quit the Army, rather than stand a Court Martial, for an Action that can as little bear a Repetition, with any Degree of Dignity, as those I have all ready mentioned.

I am with a perfect Respect,
Sir,—Your most obedient and
most humble Servant,
Georg. Johnstone.

List of Necessaries.

Copy. No 52.

Lieutenant Governor Browne has agreed to deliver to the 60 French Protestants going to West Florida.

		S	D
Twenty Fusils @ 21s ₱ Fusil	£25 ,,	4 ,,	0
Powder and Ball	9 ,,	– ,,	–
Soap	4 ,,	– ,,	–
Tea and Sugar	3 ,,	– ,,	5
Sterling	£41 ,,	4 ,,	5

For this Sum the Lieutenant Governor has sign'd a Receipt to Mr Ellis the Agent, 14th August, 1766.

A true Copy of the original List transmitted by Mr Ellis to Governor Johnstone.
Primerose Thomson, Secry.

The Governor's Complaint of the Chief Justice.

Copy. No 53.

Pensacola 1st April 1766.

Sir,

The behavior of the Chief Justice, Mr Clifton, has been such, since he came to the Province, that I am at length forced to make a Public Complaint of him. Upon our differing in the cases of Mr Noble, Mr Bruce, and Mr Macpherson he acquainted me he had requested to be removed to another Province, which he expected, and that in Case this application did not succeed, that he would resign. This assurance prevented me from complaining of him hitherto, as personal resentment was not any Motive respecting him. Whatever reputation the Ghostly Carriage of this Man, may have acquired him, with Men who are affected with Mummery, and Language without a Meaning; I will venture to assure their Lordships, he is a very shallow, poor Being, and extremely ignorant even of what he ought to have known the best; Namely, the Law of the Land. His great System is, that all power is in the People, and that Crimes cannot be too gently dealt with, which last I acknowledge to be true if the Colony was to encrease or to be peopled, from the children of an original stock, but considering we are to rise from the refuse of the Jails of great Citys, and the overflowwing Scum of the Empire, I think we cannot be too vigilant in the restraining of crimes, or putting the Law in execution against Delinquents. As a proof of my assertion, I have only to acquaint their Lordships, that there is now in Jail the 17th person to be tried for Murder, which is shocking in so small a Community, and which would never have happened among so few, if a total relaxation in the principal Justice did not communicate a Confidential Assurance of escaping punishment.

(a) Minutes of Council 24th January 1765

(b) Petition Jas. Noble 24th Jany 1765, Inserted in the M. Council.

The principal cause of the opposition, which Mr Clifton has uniformly given to the Government established here, is from the (a) Decision of the Governor and Council respecting the claims on the pretended Spanish Purchases, by Mr James Noble, at which decision although Mr Clifton was actually present and acquiesced in the Opinion himself; yet from about a month thereafter, since which he has resided in the house of Mr Noble, all his Ideas have been altered. Every means by proffers and threats have been used to induce me to be of opinion that Mr James Noble actually purchased an Estate of (b) Nine naked Indians. for Edward Duke of York, William Duke of Cumberland &c. and that for the said premises, to the said Naked Indians, he had payed 120,000 Mexican Dollars, of the money of Mr Kinnion, Touchet and others; but even this is not the most absurd Article in his Transactions.

To prevent a tedious Litigation, the various Accounts of the Expenditure of £70,000 were refer'd to the Arbitration of Mr Clifton, Mr Phillips, and me; Just as the Arbitration was finished, excepting the above purchase, in favor of the Dukes of York and Cumberland, Mr Phillips died; immediately Mr Clifton broke off all Business, and the Delinquents having gained six months time, and several principal Evidences having absconded, Matters were yet embroiled in a greater Confusion than before. As so notorious a breach of private Faith might affect my own Character, who had advised the Arbitration, I therefore thought proper, to write to Mr Clifton, the inclosed Letter No 4, to which I received the answer No 5. from whence their Lordships may Judge of our original difference, and from whence Mr Clifton has taken Occasion continually to Oppose me in Council; Chiefly by Asserting, that (a) His Majesty had not any authority to delegate a power of enacting any Rules or Orders, to such a Board, as the Governor and Council, as in his Instruction Art: 11th, and that therefore no person could be punished for the breach of any Rule they might

(a) Minutes of Council, 18th May.

make, or for the breach of any other Regulations, excepting that of the Law of England. From whence we have been unable to form many regulations, which were necessary to our peculiar situation here; such as a Militia and Regulations for Slaves and Indented Servants and Indian Traders &c. &c.

The means M^r^ Clifton took to disturb the Government before, was by stirring up the Military against me, and supporting the Navy, in stopping our Bullion. The dispute with the first, was decided against his opinion, and we have received Confirmation by this Pacquet, that he was wrong in the second also, according to the opinion of the Solicitor and Attorney General. Not satisfied with this, when peace and Harmony were reestablished in the Society, he has again worked upon the passions of a weak Man (who was hardly able to bear the sudden preferment which some Marriage Maneuvres had hurried him into) to disturb the Community, and without any provocation on my part, for I do declare upon my Honor, I cannot recollect or assign, any other cause, for the treatment Colonel Walsh has given me, unless the advice of M^r^ Clifton, since it is hardly possible, for any man to owe another greater obligations in the Civilities of Life, than that unhappy Officer owes to me.

It is to be observed notwithstanding M^r^ Clifton does now hesitate in opinion, who ought to have the Command of this Garrison, That on the 23^rd^ of May 1765, when the same question, under the same circumstances, was agitated, that he then declared it was undoubtedly with the Governor, so that really little dependance can be put on the Conduct of such a person, who can thus turn his own Sentiments, and the clearest truths, to Party and Faction.

Finding his most unjustifiable behavior could not provoke me to suspend him, and being shewn the charge I intended to Exhibit against him in Council in order to transmit it with authentic proofs, He immediately wrote me the inclosed Letter to resign his Seat, and has since refused to attend the Board, saying I have no Right to examine into his Conduct. By this means I cannot make a Quorum, and the Business of the Council is thereby at a Stand, and the rest of the members being all of opinion, that M^r^ Clifton cannot by His Majesty's Instructions

Art. 2nd resign his seat in Council while he retains his Commission as Chief Justice, I am really at a loss how to proceed; and the truth is, that supposing I was drove to the Necessity of Suspending him, I do not know a Man in the Society qualified to fill his place.

Their Lordships will be pleased to consider, whether Mr Clifton in refusing to attend his seat in Council or to answer to the Governor's Charge against him, does not admit it Pro Confesso, and whether his refusing to answer is not alone a sufficient cause to induce His Majesty to appoint another Judge. I do declare upon my Honor, that every Word thereof is true, as may be seen by the leading papers.

Lieutenant Governor Browne has also sent me the inclosed Letter after a second Admonition, so that I am somewhat puzzled how to avoid Extremities. The Truth is, that Mr Clifton has so vilified the Character of a Councellor, by denying them either privilege or authority, and by publicly Vindicating the Arrest of the Clerk of the Council, that very few choose to accept of it.

I am, with a perfect Respect,
Sir,
Your most obedient, and
most humble Servant,
Geo. Johnstone.

Charge against Mr. Clifton (in full).

Copy.

No 54.

The Charge against William Clifton Chief Justice of the Province of West Florida by George Johnstone Governor in Chief of the said Province.

Art: 1st For that the said William Clifton on the 6th day of February 1765 during the enquiry into the Conduct of James Macpherson, on a complaint exhibited against him the said James Macpherson by the Officers of (a) His Majesty's 35th Regiment for Issuing his Warrant for Apprehending a Soldier in the said Regiment, without acquainting the

Proofs (a) Minutes Council Feb. 6th 1765.

Commanding Officer, He, the said William Clifton, did give his Opinion in Council, "that no Warrant "of a Justice of the Peace for this Province, could "legally be executed upon any Soldier in this Garri-"son of Pensacola, without notice being first given "to the Commanding Officer of the Regiment, "Troop, or Company, to which such Soldier did "belong." Which Opinion was not only contrary to Law and derogatory to the Office which the said William Clifton then held and now holds, but was also the Occasion of great Disquiet in the Community, and was evidently given to support Faction and promote disturbance.

Art: 2nd

Affidavit Arthur Gordon, and deposition Jno. Smart

For that the said William Clifton, after the Clearest Evidence being given before him of Bodily fear impressed, and a Notorious Robbery being committed on certain Tuckabatche Indians, did Dismiss the Aggressors without further Enquiry or Recognizance, whereby the Savages were led to conceive the most detestable notions of our Justice, And which behavior in the said William Clifton had nigh been the Occasion of the Murder of many innocent persons as well as the Occasion of a War with the Creek Nation.

Art: 3rd

informations Bruce Harris Blackwell Dodd & letter Jas. Bruce.

For that the said William Clifton did declare (upon the Complaint of James Bruce Collector of His Majesty's Customs at this Port of Pensacola, when he was resisted, as well as his Lawful Deputy, by men in Arms from entering into a Vessel in this Bay, in the due Execution of their Duty, and upon the Clearest Evidence, and the Persons concerned therein being brought before the said William Clifton), That there was no Cause of Legal Prosecution; And that he neither could, or would do any thing further in these Affairs; for that he did not Apprehend, that Captains or Officers of Men of War came within the meaning of those Acts of Parliament made for preventing Obstructions being given to the Officers of the Customs in the Execution of their Duty. Whereas no Declaration could be more untrue, or any Assertion more injurious to the Government of this Colony, or more unworthy of the Trust His Majesty had reposed in him the said William Clifton.

Proofs.

Art: 4th:

Letter: John Stephenson now in England.

For that the said William Clifton, upon a regular Complaint being made to him by John Devanant on or about the 9th day of September 1765, concerning a Cruel and Violent Breach of the Peace being made on the Person of the said Devenant by a Common Soldier, and which Complaint was also authenticated by the Evidence of John Stevenson, did Declare, that the previous Examination of these Facts did not belong to his Office as Chief Justice of West Florida; and therefore that he William Clifton could give no redress to the Complainant; Whereas no Declaration could be more contrary to his Duty, who ought to be Considered, next to the Governor, the Principal Conservator of the Peace within the Province, and ought at all times to be ready to examine into any Breach Thereof.

Art: 5th:

Minutes of Council 10th May and regulation thereto alluded.

For that the said William Clifton did give his Opinion in Council, "that no personal restraint "whatsoever could be imposed on any Person "within this Province, in consequence of the Breach "of any Rule or Order, which the Governor, with "the advice of the Council, could make for the "Peace or good Government of the Community;" whereby the principal powers in His Majesty's Commission and Instructions, for the present Government of this Province, were rendered ineffectual; Because every Power of making a regulation must carry along with it the Power of enforcing Execution; And no Public Regulation can be carried into Execution without a power of imposing personal restraint on the Ultimate refusal of obedience to any Mulct or Fine, which may be imposed by virtue of such regulation or in case of Resistance, or in case of neither Goods nor Chattels to be found belonging to the Aggressor. Proof.

Art: 6th: For that the said William Clifton has frequently since the above Declaration, in support of his Opinion alleged, that, by the Law of England, no Man can be Publicly whipped, for any offence, by the Sentence of any Justice or Justices of the Peace, unless the said person so to be punished has been convicted by a Jury of his Peers; Whereas no declaration can be more contrary to the established Laws of England, nor could any Declaration tend more thoroughly to prove either the Ignorance of the said William Clifton concerning those Laws, or his Inclination that they should not take place for the Benefit of this Society; whereby the several Justices have been deterred from executing their Duty, and those lesser Crimes, which are in Great Britain checked by their Authority have Multiplied amongst us.

Art: 7th: That the said William Clifton, upon an Arbitration submitted to him and Governor George Johnstone, by the Attorneys of John Kennion and Horsefall and Noble, had behaved in a Manner totally unworthy of the character either of a Man of Equity or Justice, by refusing, after a long, tedious, and expensive Examination, to deliver his Opinion on the principal subject which was submitted; whereby it evidently appeared the whole pretence of Arbitration was wholly to protract Time, and involve in a further Confusion the most wicked and barefaced Transactions which had ever been attempted to defraud Individuals.

Letters–Govr Johnstone and Wm Clifton 21st & 22nd Augst

Art: 8th: For that the said William Clifton, did advise the Governor to send Robert Harley to Jamaica to be tried; Alleging that, as the Man of whose Murder he was accused died on shipboard, tho' within the Harbour of Mobile, that the Common Law would not take Cognizance thereof; Whereas no Assertion could be more untrue, or serve more thoroughly to prove the imperfect Notions which the said William Clifton entertaineth thereof.

Proofs.

Art: 9th:

Record of the Court and Minutes and Verdict.

For that the said William Clifton did take upon him on the Trials of Richard Painter and Paul Thackery after the Jury had agreed on their Verdict and had delivered the same Sealed unto him the said William Clifton, as their actual Verdict; and after they had severally dispersed, the said William Clifton did nevertheless, on the Assembling the said Jury on the Day following, produce fresh Evidence on the said Cause, from which the said Jury were induced to alter their former Verdict given before separation, as "Guilty" into the Verdict "Not Guilty," whereby every principle of Justice in the proceedings of Trials by Jury was violated; Because when the Evidence is once closed and the Jury empaneled, no fresh Evidence can be produced, neither can the Verdict given before separation be altered; But in case any favorable Circumstances should thereafter appear, they must be applied in obtaining the Mercy of the Crown, which is the only relief, after the Verdict is agreed on and delivered.

Art: 10th:

Affidavit Govr Johnstone & the discharge of the Chief Justice.

For that the said William Clifton did take upon him, notwithstanding the clearest Evidence ascertaining various Crimes, to discharge Lieutenant Colonel Ralph Walsh, declaring upon the Record, there was not the least Colour or pretence of any Legal Prosecution; which was the most partial and Illegal Decision, (where an Actual Breach of the Peace has been Sworn,) and the reasoning thereupon in the decision the most absurd, that ever was offered by any person in a public Character of Distributing Justice; For it is there said, "that the Dis-"pute arising about authority and both pretending "to derive it from the same Source, Viz: The King, "It can only be determined by His Majesty, or "General Gage;" Which is in the first place the greatest affront to His Majesty, in presuming to say, that General Gage can determine upon the authorities which he has been pleased to Communicate; and next on the Law of the Land in presuming to say, that General Gage his Opinion can affect its Influence, or that any dispute concerning Authority is not Cognisable by it, (the Law of the Land,) where, most undoubtedly, all powers (from whatever Authority derived) are properly Cognisable and determinable; and therefore in the present case, This Law must be, the most Competent Judge in the differant pretensions for Power, (in which all Convulsions in Government consist) which was Real and Constitutional, and which pretended and delusive.

Proofs.

Art: 11th: For that the said William Clifton, in the case of Lieutenant Colonel Walsh was Guilty of the most Notorious Chicane that ever was offered to Common Sense; for after being present in Council when it was agreed the said Lieutenant Colonel Walsh should be carried before him the said William Clifton, and after walking to his house accordingly in company with the said Colonel, and after the said Colonel had sat in his Presence two Hours during the time the Governor was giving his information, and after the Governor had sworn to the said information, and after the Provost Marshal had shewn the Chief Justice the Original Warrant for apprehending Lieutenant Colonel Walsh, wherein is wrote the following words, "The Ordinary "Course of Justice being now open, you will carry ' the Body of the said Ralph Walsh before William "Clifton Esquire, Chief Justice of His Majesty's "Province of West Florida, where I am likewise "proceeding to make Affidavit of the Crimes he has "Committed, for which this shall be your Warrant,

Affidavit Jas Johnstone Provost Marshal.

"and from which time of your Arrival before the "said William Clifton this Warrant to be dis-"charged." The said Chief Justice did nevertheless sign a Writ of Habeas Corpus, which was wrote in his own House Two Hours at least after the Body of Colonel Walsh was in his Presence, and did not pass order thereon till Four Hours thereafter; all which proceedings are an affront to Common Understanding, and could only be Calculated to deceive those at a distance, which was in every manner below the Actions of a Man in the Sacred Character of a Judge.

Art: 12th: For that he William Clifton did take upon him in the case of John Hannay, Complainant against Macfaddin, for a Forcible Entry by the said Macfaddin into the House of the said John Hannay, One of His Majesty's Council for this Province, and also Register thereof, and in which House all the Public Registers are kept, and upon the preservation of which Registers in a great measure depends the security of the property of every man in this Country; notwithstanding the said Crime was clearly proved, to dismiss the said Macfaddin on his own Recognizance for Twenty Pounds; and this without taking notice of the principal abettor Lieutenant Colonel Ralph Walsh, who was present during the Examination of Macfaddin, and who appears on the Evidence as well as the Examination to have been the Original Promoter of this unjustifiable Act.

Proofs. Record of Hannay and Macfaddin's Examination & the Order thereupon.

Art: 13th: For that the said William Clifton further to shew his Partiality, Ignorence, and Absurdity, did, contrary to the known forms of the Law in those cases, Swear the said Macfaddin to his own Examination, whereby he was led to commit several perjuries.

Macfaddin's deposition.

Art: 14th: For that the said William Clifton, contrary to the Law of the Land, and private Faith, did take

Letter Jas Johnstone Provost Marshal.

upon him to detain in his custody the Warrant of his Excellency George Johnstone, Governor and Chancellor of West Florida; for the apprehending of Lieutenant Colonel Ralph Walsh, which had been shewn to him William Clifton, at his particular request, to compare with the attested Copy, by the Provost Marshal of the Province, to whom it was directed, to whom it does belong, and with whom it must remain, until a regular order of a Competent Court or Judge shall call it thence; Whereas the said William Clifton has both refused a regular Order; or Original Paper, whereby the said Provost Marshal is deprived, by the arbitrary Injustice of the said William Clifton, of the regular Voucher for his Conduct, which he ought in due form of Law to possess.

Art: 15th:

Proofs.

Minutes of Council 11th Feb. 25" Do 26" Do

For that the said William Clifton, eager to impede every just purpose of Government, and relying upon the vain and undue assertion of Lieutenant Governor Browne, had taken upon him the said William Clifton, in the presence of the Council, to aver the most notorious untruth, which Conveyed with it the most injurious Reflections on the Character of the Governor, by averring in the most indecent manner, in contradiction to the Assertion of the Governor, That a Grant of Land which his Excellency had produced as the identical Grant, signed in the preceding Council, was not the same Grant; In which case either the Governor, or Secretary of the Province, must have been Guilty both of Lying or Forgery; The Contrary of which was indeed the Truth, and the accusation must therefore turn on the Persons who proposed it with such Violence.

Art: 16th:

For that the said William Clifton has taken every Opportunity of debasing the Regular Authority of the Governor and Council as established here by His Majesty, First, by declaring that the

Members thereof are not intitled to protection in their Persons from Civil Prosecutions, or to any other privileges, as exemptions from the Law, except when they are actually in Council; Secondly, by declaring the Governor and Council had not a power of calling any person whatsoever before them, Either to give Evidence in Matters concerning the Peace and good Government of the Province, or to answer for their Conduct in any Public Capacity; Insinuating at all times, that by the 16th of Charles the first Chapter 10th they could only be a Board of Advice, and Consequently every power necessary for obliging People to compear was taken from them; Whereas nothing can be more contradictory to His Majesty's Instructions Article 2nd & 11th, or more contradictory to the true Spirit of the Act "regulating the Privy Council "and for taking away the Court Commonly called "the Star Chamber." For by Article 2nd & 11th of His Majesty's instructions it is Evident they are to be considered in a Legislative Capacity, and as the Superior Court, to superintend and Regulate Public Affairs; In which case, without a Power of obliging all persons whatsoever to compear and give Evidence, in Matters concerning the Safety, Peace and good Government of the Province, their purposes could not be fulfilled, neither without such a power can any superior Authority exist in any Community; That the very reasons for abolishing the Court of Star Chamber and regulating the Privy Council, prove this; For the reasons, upon which those Acts were made, set forth, That as there was a superior Power in the Nation, that of the House of Lords and Commons to regulate Extraordinaries, and all Ordinary Events being comprehended under the established Law of the Land, Therefore the exercise of an useless Power must be grievous; Whereas respecting our Situa-

M. Council 20th January & 26th Feby

tion there is none other Power to regulate any public Matter, except the Governor and Council for the present; and no person will allege that we do not want many public regulations, such as a Militia, Regulations as to indented servants; Regulations as to Slaves; Regulations for a Market, Punishments for burying the Dead otherwise than in the Ground appropriated for that purpose, &c. &c. &c. And yet it is impossible for any man to shew, how those or any other Regulations can be enforced without a penalty, or how that penalty can be raised without a power of imposing personal restraint on the Ultimate Refusal of Obedience.

Geo. Johnstone.

From Governor Johnstone to Mr. Clifton.

Nº 55.

Copies of Letters which passed between Governor Johnstone and Mr Clifton dated Pensacola Augst 21st & 22d 1765.

Sir,

As the Arbitration on the Account between Mr Kinnion and Mr Noble, which is now submitted to you and me, by the Death of Mr Phillips, is a matter of the highest Consequence in England, to persons of the first Character, and as I should think my own Reputation as a Gentleman, much more as a publick Magistrate, extremely affected, if there was any Doubt, how I had given my Opinion on a Question so notorious as the particular Account Nº 2 where we differ, and which Occasions the reference to stop after all the pains that have been taken concerning it.

I have therefore sent my Opinion in Writing on the Account Nº 2, entitled "Account of sundry purchases for account of John "Kinnion Esquire," Namely, That the whole of the Account of those purchases as stated by Mr Noble in number 2 appears to me, from the most undoubted Facts to be a Scene of the most barefaced and wicked Transactions that were ever attempted by any Man above the Character of a Pick pocket, to defraud his

Constituents; that the Charge of two thousand dollars against Mr Kinnion on account of Sir John Lindsay is wicked and absurd; Wicked, because fraudulent in the beginning, and given up to my certain Knowledge under Mr Noble's own Hand; Absurd, because it does not appear Mr Kinnion gave any Orders for such a Transaction.

That the very naming the Indian purchase with the Facts presented at different Times concerning it, and the present Indorsation in Noble's own Hand, The property of Edward Duke of York, is sufficient to rouse the Indignation of every honest Man, and that even besides this, supposing it just, Mr Kinnion can only be accountable in Law or Equity for one sixth part.

That upon the whole it appears, that whatever Money Mr Noble may have expended in those Transactions, was distributed with a wicked Intention to defraud his Constituents, that therefore not a Farthing of the Account should be allowed to him or charged to Mr Kinnion.

And now Sir as you have expressed yourself of a quite different Opinion from me, I call on you, as a Man, to deliver your Sentiments with equal Candor, on paper, that the World may hereafter Judge, whether it was I who wished to oppress the Just, or you to protect the Wicked.

It would likewise be becoming of any Man, who supported those Transactions, when living on the Spot, to point out the particular places to which they refer; But this I defy.

Much has been said on the general powers, in the Order given by Mr Kinnion.

The greater Confidence which was shewn, the greater disgrace in abusing it; but no power whatever can vindicate a Fraud, or oblige a Man to pay for Land, which was never purchased, or Houses which were never built, or to accept of a Title where no man can point out the premisses.

The Powers of a Factor are very far from being so unlimited as you pretend; But the utmost powers, which any Man can give, always suppose Justice and Equity to accompany them in the Execution.

If then you will alledge those Transactions have been accompanied with Justice or Equity, I shall only say, as I have often done, that your Notions of those qualities and mine are as totally different as our Opinion on this Account. I am with the greatest Respect,

Sir,
Your most obedient and
most humble Servant,
(signed) Geo. Johnstone.

To the Honourable William Clifton Esq^r
Chief Justice of the Province of West Florida.
Primerose Thompson Sec^ry

Mr. Clifton's Reply.

Copy. Pensacola 22^d August 1765.

Sir,

Last Night I received your Excellency's Letter of Yesterday relative to the Arbitration between M^r Kinnion and M^r Horsefall and Noble, wherein you are pleased to call upon me, in a very peremptory manner, for my Sentiments on the matters referred, which I apprehend is neither incumbent upon me to give, or necessary to be given, further than I have, neither shall I, otherwise, than as many things appear to me in a different Light than they do to you, I chuse not to proceed any further in the Business, which I conceive will more properly, and for the Interest of all concerned, be adjusted by the Courts at Home, or by an Arbitration, where all the Parties can attend in person.

As to the insinuation of protecting the Wicked, it no wise affects M^r Clifton, whose Character and Reputation are too well establish'd to receive any Injury therefrom, or from his differing in Opinion with Governor Johnstone. I am, with all respect,—
Your Excellency's
most obedient and—most humble Servant,
(signed) William Clifton.

Primerose Thompson Sec^ry

From John Stephenson to the Governor.

Copy. Nº 56.

Pensacola 10th Septr 1765.

Sir,

Give me leave to lay before Your Excellency the particulars of an Action which behoves me (not in my own Behalf, but for the Benefit of the whole Community) to bring under your Consideration, and for which Reason I flatter myself my Testimony will be looked upon as impartial, when such an Act of Injustice is passed over with Impunity to the Offender upon proper Application.

Yesterday in the Evening I was standing at my own Door, and saw a Gentleman, Captain Davenant of the Speedwell Transport, stopped in the Road by a Soldier, who in a very little time attacked and struck him; upon which I immediately went towards them, in order to put a Stop to so unjustifiable Proceeding as the Soldier appeared to me to be guilty of, and when I was using my Endeavours to prevent any further Contest, I was seized by the Collar by an Officer, who asked me what Business I had there, that the Gentleman had injured the Soldier, and that it should be a fair Box. I answered him, that they should not fight there and begged he would take his Soldier away; and that, if they had any Disputes, to apply to a Magistrate, which he very arrogantly refused; and after the Soldier had given another Blow, he walked off, and his Soldier or rather Bully, followed without Orders, as if a Signal had been given him, that he had done the Duty he had been ordered upon.

This Action being committed on a Gentleman who was an entire Stranger, and just recovered from a Fit of Sickness, and who begged my Assistance to seek Redress, I offered to attend him to a Magistrate. we applied to Mr Clifton Chief Justice, who told us he could do nothing in the Affair, that Mr Wegg was the person to inspect these Things. We then waited on Mr Wegg, who told us he did not act as Justice of Peace; his Reasons were, that he looked upon it as an Indignity to his Office, that it took up too much of his Time, &ca and that there was no other acting as Justice of Peace, except Mr Gordon, to whom, if we would apply, and he refused to do what was needful, that then upon Application to him that he would act. And as we could not find M^r^ Gordon at home, it being very late, prevented our doing any thing more that Night. And as the Gentleman was obliged to go on Board his Ship in order to proceed to S^t^ Roses Island this Morning, consequently he could have no other Opportunity of obtaining Redress, but by begging that I would lay his Case before Your Excellency, which, being an Eye Witness to every Part of his ill usage, I have done, without the least Exaggeration, to the best of my Knowledge.

I hope your Excellency upon such an Occasion will excuse this Trouble, and believe S^r^ your most obedient and most humble Servant

(signed) John Stephenson.

Primerose Thompson Sec^ry^

Proclamation by the Governor.

N^o^ 57.

Copy of Governor Johnstone's Proclamation prohibiting the selling of Spirituous Liquors to the Indians.

West Florida Ss

Whereas the selling of spirituous Liquors to the Indians, especially at this time of the General Congress is likely to be of the most dangerous Consequences to this Province, as well as to the Lives and Properties of the Inhabitants of this Town of Pensacola, be it therefore ordained by his Excellency George Johnstone Esq^r^ Governor and Commander in Chief of West Florida, by and with the advice and consent of his Majesty's Council for this Province, that no person whatsoever in this Town and its District shall sell, exchange, or give, or offer to sell, exchange, or give any spirituous Liquors whatsoever to Indians for the space of one Month, except such as shall be given by His Majesty's Superintendant for Indian Affairs, or such as shall be impowered to act under him on the Part of the Government: or otherwise, with the Consent of the said Superintendant, under the penalty of five Pounds Sterling for the use of His Majesty, His Heirs and Successors, to be recovered upon Conviction of the Offender or

Offenders before any three of His Majesty's Justices of the Peace, who are hereby impowered to take Cognizance of the Crime, and also to levy the said Penalty by Warrant of Distress and Sale of Goods, and in default of Goods or Chattels, that the said Offender or Offenders shall suffer one Month's Imprisonment in the common Goal, which the said Justices are hereby likewise impowered to carry into Execution. And be it further ordained, that any person selling of Wine or Spirits contrary to Law without a Licence shall be subject to the like penalty and Punishment. Done at Pensacola in the Province aforesaid this sixteenth day of May, in the Year of our Lord one thousand seven hundred and sixty five, and in the fifth Year of his Majesty's Reign.
Secretary's Office.
Recorded.

Record of Court Proceedings.

No 58.

Copy of Minutes of Court.

Tuesday January 4th 1766.

The Court met according to adjournment.

Present

The Honble William Clifton Esqr Chief Justice.

The King
v Arraigned & pleaded severally. Not Guilty.
Painter & Thackery.

Jury sworn.

1. James Ross.
2. Patrick Morgan.
3. David Williams.
4. Nathaniel Thompson.
5. David Ross.
6. Thomas Gregory.
7. William Walker.
8. Robert Ross.
9. Barnet Tinison.
10. John Stokes.
11. Diggory Cock.
12. John Dobbins.

Jonathan Smith, on the Motion of the Council for the Crown admitted King's Evidence.

Bailiff sworn to attend the Jury, who staying out long, Court adjourned till tomorrow at 9 o'clock and the Chief Justice sent a Message to the Jury that he would receive their Verdict privately; and the next morning they might deliver it in Court.

The Jury sent their Verdict sealed to the Chief Justice.

Wednesday February 5, 1766.

The Court met according to adjournment.

Present

The Honble William Clifton Esqr Chief Justice.

The Chief Justice signified, that he having been informed by the Reverend Mr Wilkinson, who had yesterday in the Evening been sent for by Jonathan Smith, who was yesterday admitted King's Evidence against Painter and Thackery, "That said "Smith had recanted the Evidence he had given that Day against "the Prisoners Painters and Thackery." The Chief Justice therefore returned the Verdict to the Jury, and desired that said Smith might be set to the Bar, when he voluntarily declared, "That he was very much troubled in mind after he left the Court "the Day before, and could not rest; and that what he had then "related to the Court against the Prisoners Richard Painter and "Paul Thackery was all false; for that he never saw them before "Christmas Day, when they were in their way to Mobile". Upon which the Chief Justice desired the Jury to withdraw, and reconsider their Verdict, which they did, and accordingly found the Defendants Painter and Thackery—*Not Guilty.*

James Ross Foreman.

Painter and Thackery were discharged by Proclamation: sworn, said they had no Money to pay their Fees.

A Copy of the Minutes of Court
taken by T. Hardy. D. Clk. Crown.

Indictment against the Prisoners.

No 59.

Copy of the Indictment against Richard Painter and Paul Thackerry.

Province of West Florida. The Jurors for Our Lord the King upon their Oath present and say, that *Richard Painter*, late of the Town of Mobile in the Province aforesaid, Labourer, on the *thirteenth Day* of December in the sixth year of the Reign of Our Sovereign Lord George the Third now King of Great Britain &c^{a} about *the Hour of Eleven in the Night* of the same Day with Force and Arms at Mobille aforesaid in the Province aforesaid, Three pieces of *Silk Handkerchiefs* of the value of seven pounds, *Two Cloth Coats* of the value of three pounds, and *two Cloth Waistcoats* of the value of two pounds, of the Goods and Chattels of one John Mac Gillwray in the Warehouse of him the said John Mac Gillwray, then and there being found, then and there privately and feloniously did steal, take and carry away, against the Peace of our said Lord the King His Crown and Dignity.

And the said Jurors aforesaid, upon their Oath aforesaid do farther present and say, that *Paul Thackerry* late of Pensacola, in the Province aforesaid, Labourer, afterwards, to wit, the fourteenth Day of December in the Year aforesaid with Force and Arms at the Bay of Mobille in the Province aforesaid, One Cloth Coat and one Cloth Waistcoat being parcel of the Goods and Chattels so, as aforesaid, privately, and feloniously stolen, taken and carried away, feloniously did receive and have (He the said Paul Thackerry then and there well knowing the said Goods and Chattels last mentioned to have been privately and feloniously stolen, taken and carried away) against Form of the Statute in such Case made and provided, and against the Peace of Our Sovereign Lord the King, His Crown and Dignity.

(signed) Arthur Gordon. Att^{y} Gen^{l}

A true Copy of the Original,

T. Hardy D. Clk. Crown.

N^{o} 60.

Copy of the Affidavit of Primerose Thomson.

[Not copied here as already done, see N^{o}. 30 (p. 128 of transcript.)]

N^{o} 61.

Copy of the Warrant of Commitment of Lieutenant Colonel Walsh.

[Not copied here as already done, see N^{o}. 31 (p. 129 of transcript)].

[at end is]:— a true Copy of the Original.

T. Hardy Clk: Cur:

N° 62.

Copy of the Examination of Lieutenant Colonel Walsh.

[Not copied here as already done, see N°. 34 (p. 133 of transcript)].

N° 63.

Copy of the Discharge of Lieutenant Colonel Walsh.

[Not copied here as already done, see N°. 35 (p. 135 of transcript)].

After signature is:— a true Copy of the Original.
T. Hardy Clk. Cur.

From Governor Johnstone.

N° 64.

Copy of Gov^r Johnstone's Letter to the Pro: Marsh: Gen^l desiring him to make Affidavit relative to the Commitment of Lieu^t Col: Walsh. Dated 30th March 1766.

Sir,

As I observe in your Return to the Writ of Habeas Corpus relative to the commitment of Lieu^t Colonel Walsh, you have omitted to insert the discharge of my Warrant to you which discharge I delivered to you four Hours before the said Return was made. I therefore desire, in order to explain that matter, that you will make Affidavit of the whole Transaction, according to the best of your knowledge and recollection. And that there may be no doubt of the Truth of the Affair, I think that you shou'd swear to your Deposition before M^r Clifton Chief Justice, and read the Contents of it to him.

I am, —Sir,
Your humble Servant
(signed) Geo: Johnstone.

(Copy)
Primerose Thomson Secry
James Johnstone Esq^r
Provost Marshal Gen^l of West Florida.

Deposition of James Johnstone.

Copy.

No 65.

West Florida, Ss.

James Johnstone Provost Marshal General of the Province of West Florida deposeth and sayeth, That respecting the Habeas Corpus issued by the Chief Justice in the Case of Lieutenant Colonel Walsh, the following are to the best of this Deponent's recollection and belief the Facts; Vizt That the said Lieutenant Walsh was arrested by this Deponent by virtue of a Warrant from the Governor; that, by the Governor's desire, as soon as the Gate of the Garrison was opened, the Colonel was carried to the Council Chambers; That the different Members waited for about half an hour for Mr Clifton, to whom two several Messages were sent to press him to come; That in about half an hour after Mr Clifton's Arrival, the Governor desired this Deponent to carry Lieutenant Colonel Walsh to Mr Clifton's House to be examined, as Mr Clifton had refused to examine the Colonel there. That, long after Colonel Walsh was in the presence of Mr Clifton, a Writ of Habeas Corpus concerning him was delivered to this Deponent. That the Governor did thereupon take notice thereof as an absurdity and Chicane in Law, to issue a Writ of Habeas Corpus to bring a Man before another who had already been two Hours in his Presence. That thereupon the Governor wrote on the Back of the Warrant what he had before repeated by Word of Mouth—That soon after the Governor's Affidavit being finished he went away. That in about three quarters of an Hour thereafter, the Examination of Lieut Colonel Walsh being finished, Mr Clifton proposed they should seperate for a few Hours to take some Refreshments, and that he might have Time to consider the Informations. That thereupon Mr Clifton said to Colonel Walsh, Colonel, I dare say Mr Johnstone will have no Objection to take your Word for two or three Hours. That thereupon this Deponent said to the Chief Justice, Sir, you have read what the Governor wrote on the Back of the Warrant of Arrest, and heard what he has sworn, and therefore I do not now look on the Colonel in my Custody, unless you are pleased to say so. Upon which the Chief Justice said, that what the

Governor wrote here signifies nothing. I do nevertheless insist you shall make the Return in form. That thereupon in Compliance with the Order of the Chief Justice, this Deponent did make the Return in two or three Hours after he went Home, and after the Parties had seperated which he delivered in the Evening to the Chief Justice, who found fault with the Form thereof, and did direct this Deponent to use another Form. Wherein this Deponent did omit to insert the Words on the Back of the Warrant, tho' the said Words were spoken to this Deponent four Hours before, and wrote in the Presence of the Chief Justice three Hours before the said Return this Deponent so made.

James Johnstone.

Sworn before me this
31st Day of March 1766

William Clifton Ch. J.

No 66.

Copy.

Habeas Corpus and return for Lieut Col. Walsh.

I James Johnstone Esqr Provost Marshall of the Province of West Florida do hereby certify to the Chief Justice of the said Province that before the coming to me of the Writ to this Schedule annext. To wit on the first Day of February Instant, Lieutenant Colonel Walsh of His Majesty's 31st Regiment in the said Writ named was committed into my Custody by Virtue of a Warrant, under the Hand & Seal at Arms of his Excellency Governor George Johnstone Esqr of the said Province, &c. &c. &c. To me directed in the Words following, To witt, West Florida Ss To James Johnstone Esqr Provost Marshall General of His Majesty's Province of West Florida, or his lawfull Deputy, and to the Constables. Whereas Affidavit hath been made before me George Johnstone Governor in and over His Majesty's Province of West Florida, and Chancellor of the said Province, that Ralph Walsh Lieutenant & Colonel of His Majesty's 31st

Regiment has given Orders for stopping His Majesty's Troops on their March in Opposition to the King's Authority, these are therefore in His Majesty's Name to will and require you to take into your Custody the Body of the said Ralph Walsh and bring him before me to be examined touching the same, for which this shall be your Warrant; and all Persons Civil and Military are hereby required to be aiding and assisting to You in the Execution of this Warrant. Wherein You nor any of You fail at your Peril.

Given under my Hand and Seal at Arms at Pensacola This first Day of February 1766 in the Sixth Year of His Majesty's Reign. George Johnstone. which is the cause of taking & detaining of the said Lieu^t^ Colo. Walsh in my Custody, whose Body I have ready at the Day & Place in the said Writ mentioned as I am thereby commanded, as Witness my Hand & Seal the first Day of February 1766.

(sign'd) Jas: Johnstone L: S:

Witness
(sign'd) T. Hardy.

A true Copy of the Original.
T. Hardy Clk Cur.

West Florida Ss.

L: S:

George the third by the Grace of God of Great Britain France and Ireland King, Defender of the Faith and so forth. To the Provost Marshall of our Province of West Florida Greeting. we command you that you have the Body of Ralph Walsh detained in your Custody as it is said by whatsoever Name he may be called in the same, together with the Day and Cause of the taking and detaining the said Ralph Walsh before William Clifton Esq^r^ our Chief Justice of our said Province of West Florida, at his Apartments in the House of M^r^ James Noble in Pensacola aforesaid, immediately after the Receipt of this to do and receive what our said Chief Justice shall then and there con-

Willm Clifton
(Sign'd)

sider of him in this behalf, and have You there this Writt witness William Clifton Esqr Our Chief Justice at Pensacola the first Day of February in the Year of Our Lord One thousand seven hundred and sixty six, and in the Sixth Year of our Reign.

(sign d) Wegg Atty Feby 1st 1766.

By the Statute of 31st Charles 2d

Complaint of James Johnstone.

No 67.

Copy of Mr James Johnstone Provost Marshal's complaint against Mr Chief Justice Clifton in a Letter to Governor Johnstone, dated Pensacola 28th Feby 1766.

Sir,

I beg leave to complain to your Excellency of a great Injustice, which I think has been done me.

Some time ago Mr Clifton, the Chief Justice, in his private Capacity desired to see the Governor's Warrant for my taking Lieutenant Colonel Walsh into Custody; as I was conscious your Excellency never meant that the Warrant should be concealed, I immediately sent it to him; but to my great Surprize, Mr Clifton upon receiving the said Warrant, acquainted me, that it must be kept in his Office; and that he would not return it to me; I told Mr Clifton, I apprehended, that the Warrant should remain in my office, as Provost Marshall as a Voucher for my Conduct; and that I could not be vindicated for delivering it without a regular Order being inserted in the Minutes of the Court, or at least, an Order from under his Hand for that Purpose, both of which Mr Clifton refused.

It is equal to me, whether the Warrant is kept in the Clerk' of the Crown's Office or in mine, provided my Conduct could be justifyed; but as I understand, that a Prosecution is to be commenced against me in this Affair, and that, after the extraordinary Conduct of those Men, I cannot think anything Safe in their Hands. I am therefore obliged in Justice to myself to acquaint your Excellency, that I am now deprived of the regular Voucher, which I ought to possess, and to request, that your Excellency would be pleased to take what Steps you may think necessary for my Relief.

I am with the greatest Respect,
Sir,
Your Excellency's
most obedient and
most humble Servant,
Jas Johnstone.
Provt Marsl:

Testimony of William Macffadding.

Copy

No 68.

The Examination of William Macffadding of the 31st Regiment taken this 1st day of February 1766.

This Examinant saith that about Eleven o'Clock this Morning he was arrested in a Regimental manner in order to fall in with his Company when called upon; at which time Col. Walsh called for the Quarter Master Serjeant, and ordered him this Examinant to go and take Possession of Mr Hannah's House, which to obey this Examinants Commanding Officer he went in a Civil Manner and told him said Mr Hannah that it was Col. Walsh's Orders that he should leave the House immediately, as it was wanted for the use of a Gentleman in the Regiment which he said Mr Hannah absolutely refused. And at the same time this Examinant told said Mr Hannah that it was his Commanding Officers Orders that he should keep Possession of his said Mr Hannah's House and that he wou'd not go out unless he said Mr Hannah turned him out by a Superior Force; at which time Mr Pilott Fort Major came into said Mr Hannah's House and told him said Mr Hannah that he was come with a particular Message from Col. Walsh Commanding the Garrison of Pensacola. That the said Mr Hannah was to remove immediately without loss of time, which said Mr Hannah absolutely refused likewise. At which time said Mr Hannah sent a Boy for Mr Thompson the Governor's Secretary, and before the Boy returned the said

Mr Pilott went out of the House and left this Examinant therein, and a short time after this Mr Thompson came in, who asked Mr Hannah what was the Matter, who gave for Answer that he was ordered out of his House by the Order of Col. Walsh, who upon hearing that, Swore by God that made him, that they wou'd defend the House and all other Causes against Colonel Walsh and all other damned Scoundrells; and at the same time damn'd this Examinant to get out of the House for a Scoundrell. This Examinant replied, that he was put there by his Commanding Officer, and that he wou'd not go out without an Order from him to desist; at which time they endeavoured to make fast the Door, which this Examinant desired they wou'd not, saying he knew that they, said Mr Hannah, and Mr Thompson, had a Design against his Life, and hoped they were not going to murder him, to which Mr Thompson replied, Damn you, you Dog, I wish we could murder you every one; and at the same time Mr Thompson seized this Examinant by his right Hand and Mr Hannah by his Left, and Mr Thompson drew his Sword and made a Thrust at this Deponent, which missed him, and just passed by the Arm of one of the Soldiers, Captain Ross, who observing that said, Soldiers, Soldiers will you stand and see the Serjeant murdered; upon which a good many rushed into the House and pulled this Examinant out by the Arms into the Parade, and this Examinant did not go into said Mr Hannah's House after. And while this Deponent was upon the Parade he heard a Stroke at the Door, but does not know who made it.

(signed) William Mcffaddin.

Sworn before me this
1st day of Febry 1766.
(sign'd)
Willm Clifton Ch: J:[1]

A true Copy of the Original
T. Hardy Clk Cur.

Testimony of John Hannay.

Nº 69.

West Florida Ss.

John Hannay of Pensacola in the Province aforesaid Esquire being duly sworn maketh Oath and saith, That on Saturday the first of February 1766 He this Deponent was walking in His Excellency's Governor George Johnstone's Gallery, when his Servant brought him a message from Lieutenant Crofton of the 31st Regiment, acquainting him that he was ordered by Lieutenant Colonel Walsh to take possession of this Deponent's House, upon which this Deponent went immediately to his House and asked the said Lieutenant Crofton if he had received such Orders from Lieutenant Colonel Walsh, and he told this Deponent he had. He this Deponent then desired the said Lieutenant Crofton to tell Lieutenant Colonel Walsh that he would not deliver up the House, but would defend it to the last, immediately after One Serjeant McFadding belonging to the 31st Regiment came into the House, He this Deponent asked him what he wanted, He said Serjeant McFadding made answer to this Deponent that it was Lieutenant Colonel Walsh's Orders that he should take and keep possession of this Deponent's House, He this Deponent then sent his Servant to the Governor's for Primerose Thompson the Governor's Secretary, and told him the said Primerose Thompson what had passed, upon which, He this Deponent and the said Primerose Thompson agreed to defend the House and desired Serjeant McFadding to walk out, who refused it, upon which He this Deponent and the said Primerose Thompson then took the said Serjeant McFadding by the Shoulders and put him out of the Door and shut it, the said Serjeant McFadding immediately turn'd round and knock'd at the Door with great Violence with an intent as this Deponent verily believes to break it open, upon which a Number of Soldiers belonging to the 31st Regiment came to his Assistance and likewise tried to break open the Door and cried all, break open the Door, or pull down the House, upon which the Major and some Other of the Officers came up and desired them to desist, accordingly he the said Serjeant McFadding and the other Soldiers, his the said Serjeant McFadding's assistants left the said Deponent's House, this Deponent then sent his Servant to the Governor's to acquaint His Excellency the Governor of what had happened, upon which His Excellency the Governor with James Johnstone Esq^{r} Provost Marshal came to this Deponent's House, and asked this Deponent what was the matter, who told His Excellency the Governor the whole of the Affair as before mentioned, upon which, His Excellency the Governor went to the Officers who were walking on the Parade and said, Officers, I demand you to assist the Civil Magistrates in the Execution of their Duty; then His Excellency the Gov^{r} demanded to know the Person who had attempted to break open this Deponent's House. And this Deponent immediately told him it was Serjeant McFadding of the 31st Regiment, upon which, His Excellency the Gov^{r} immediately ordered James Johnstone Esq^{r} Provost Marshal to take the said Serjeant McFadding into his Custody to be further dealt with according to Law, which he the said James Johnstone accordingly did, and further this Deponent saith not.

(signed) J^{no} Hannay.

Sworn before me this 1st day
of February 1766.

signed Arthur Gordon. J. P.

A true Copy of the Original—T. Hardy. Clk Cur.

N^{o} 70.

Copy of Habeas Corpus for Macfaddin and Return.

West Florida Ss.

L. S.
(sign'd)
William Clifton

George the third by the Grace of God of Great Britain, France and Ireland King, Defender of the Faith and so forth, To the Provost Marshall of Our Province of West Florida Greeting. We command you that you have the Body of Macfaddin detained in the Goal of Pensacola in Our said Province of West Florida under your Custody, as it is said by whatsoever Name he may be called in the same, together with the Day and Cause of the taking and detaining the said Macfaddin before William Clifton Esq^{r} our chief Justice of Our said Province of West Florida at his Appartments in the house of M^{r} James Noble in Pensacola aforesaid immediately after the Receipt of this to do and receive what Our said Chief Justice shall then and there consider of him in this Behalf and have you there this Writ. Witness William Clifton Esquire Our Chief Justice at Pensacola the first Day of February in the Year of Our Lord One thousand seven hundred and sixty Six and in the Sixth year of Our Reign.

—(signed)

By the Statute of
31st Charles 2^{d}

Wegg Att^{y} Feb^{y} 1st 1766.

The Execution of this Writ appears in a certain Schedule to this Writ annexed the Answer of

(signed)

Ja^{s} Johnstone.
Provost Marshal.

I James Johnstone Esq^{r} Provost Marshal of the Province of West Florida do humbly certify to the Chief Justice of the said Province, that before the coming to me of the Writ to this Schedule annexed, to wit, On the first day of February Instant. Macfading Serjeant in His Majesty's 31st Regiment was committed to the common Goal of Pensacola by His Excellency Governor Johnstone upon View of a Riot alleging that no other civil Magistrate was then to be found which is the Cause of the taking and detaining of the said Macfading in the said Prison under my Custody, whose Body I have ready at the Day and place in the said Writ mentioned, as I am thereby commanded. As Witness my Hand and Seal this first day of February 1766.

(sign'd) Ja^{s} Johnstone L. S.
Prov^{t} Mar^{l}

Witness
(sign'd) T. Hardy.

William Macffaddin being brought before the Chief Justice by Virtue of the within Writ, the Chief Justice from the Respect due to His Excellency the Governor thought fit under the Circumstances alleged in the Return to allow of the Commitment, and to order that the said William Macffaddin on his own Security for his Appearance be discharged; therefore it is consider'd that the said William Macffaddin do enter into a Recognizance in the Sum of Twenty Pounds for his Appearance at the next general Court 1st Febry 1766.

sign'd
T. Hardy Clk Cur.
true Copies of the Original
T. Hardy Clk Cur.

(Written in outer Margin).
Memorandum same day
Mcffaddin bound in £20.

Mr. Brown to the Governor.

Copy. No 71.

Mobile, March 23d 1766.

Sir,

I had the Honor of receiving Your Excellency's of the 17th Inst.

As there is already a full Council at Pensacola, and as my Presence is absolutely necessary here, I am afraid it will be impossible for me to attend at present.

I have the Honor to be
Your Excellency's
most obedient Servt
(signed) Montfort Browne.

Copy.
Primerose Thompson Secry
His Excellency Govr Johnstone.

Resignation of Mr. Clifton.

Copy. No 72.

Pensacola 28th February 1766.

Sir,

I desire to resign that Seat in Council, which Your Excellency was pleased to permit me to take. And do hereby resign the same accordingly for Reasons I shall transmit Home to the Lords Commissioners for Trade and Plantations.

I am with all Respect
Your Excellency's
Most obed^t^ huml
Serv^t^
(signed) William Clifton.

Copy
Primerose Thompson Sec^ry^
His Excellency Governor Johnstone.

Deposition of Arthur Gordon

Copy. N^o^. 73.

West Florida Ss.

Arthur Gordon being duly sworn deposeth and saith that His Excellency George Johnstone Esq^r^ Governor of West Florida, &c. having on this present 29th day of March Instant directed this Deponent to send him Copies of the different Papers, Examinations &c Wrote & taken before the Honorable William Clifton Esq^r^ Chief Justice of the Province aforesaid concerning some Injuries offered to a Tuckabatchee Indian by some white Men some time ago, as the same stood on record in the Office of the Clerk of the Crown in the said Province of which Office this Deponent has the Management, he this Deponent on due search by him made not finding any such Papers among the records in his said Office, waited on the said William Clifton Esq^r^ and begged to know if he cou'd inform him where the said Papers &c^a^ were to be found; upon which he informed this Deponent, that what had been done in that Affair was before M^r^ Wegg, as a Magistrate, & that he was the most proper person to ask concerning it, upon which this Deponent sent his Clerk to M^r^ Wegg to ask for said Papers, who soon after returning informed this Deponent that M^r^ Wegg Answered in general Terms, that he had already delivered all the Papers he had relating to public Matters to this Deponent; and that he knew nothing about them. And further this Deponent saith, that to the best of his knowlege, recollection & Belief, or any part thereof never were delivered to or came to the Hands, Custody or Possession of his Deponent or of any Person for him. And farther this Deponent saith not.

Arthur Gordon.

Sworn this 29th day
of March 1766 before me.

Geo: Johnstone.

It is to be remarked that since the above affidavit was sworn, that the annexed Examination of John Smart has been found upon a careful Inspection of Papers in the Crown Office. By which it appears that the Informations respecting these Affairs were actually taken before the Chief Justice, tho' he now denies it, and the material Information are somehow destroyed. Geo: Johnstone.

Affidavit of John Smart.

No. 74.

Copy of an Affidavit of John Smart
Relating to the Robbery Committed on certain
Tuckabatche Indians February 4th 1765.

Province of
West Florida Ss.

John Smart of Pensacola in the said Province of West Florida, Carpenter, personally appeared before me this day, and made oath on the Holy Evangelists of Almighty God, that this Informant, together with one Mr. Ellistrum of Pensacola aforesaid, and John Davis of Pensacola aforesaid, Laborer, to the best of his remembrance left Pensacola on Friday the Twenty fifth day of January last, to go up the River, which this Informant apprehends to be called the Escambe to fetch a Raft of Cedar. That this Informant and his said Companions made a Camp on the Monday following on the West side of the said River about two Miles distant from its Mouth, that they took a Canoe which they had found on going up the River, filled it with Oysters and carried it to their Camp, which he believes to have been on Tuesday in the afternoon last; that in the Evening of the same day, the Mate and four men belonging to the Sloop which brought the Convicts hither, and which lies about a Mile from the Mouth of the said River came in a Boat together with an Indian Man and Woman, that each of the four Men were armed with Muskets and the Mate with a brace of Pistols; they told this Informant and his Companions, that three Men were on board the Sloop who had been sent by the Governor to look for the Canoe, and that they were sent by their Captain for it; but that the three Men remained on board, and that the Canoe belonged to the said Indians, That this Informant and his said Companions thereupon delivered the Canoe to them, That said Boats Crew took the following Articles out of their Boat and put them into the Canoe, and then the Indians went into it. Three Kegs of Rum, an Indian Shot Pouch, a Bundle of Skins, a brass kettle, a leather bag with parched Meal; and that the said Mate and four Men went into their Boat both put off from the shore together about Eight o'Clock in the same Evening, That in a few minutes afterwards this Informant heard a shout of Indians, and immediately afterwards the report of two Guns; upon which Mr. Ellistrum imagining those Guns to be fired as an Alarm, discharged a Gun into the Air to shew that there was people near, That soon after the said Boat came up to their Camp with the said Canoe fastened to her Stern; that the said Mate and four Men were in the Boat, but the Indians were not in the Canoe; And this Informant further saith, that he and his said Companions inquired where the Indians were, and they were informed by the said Boat's Crew that the Indians had fired at them, and that the Mate discharged a Pistol; and then the Indians jumped out of the Canoe and left it; And this Informant further saith that there was in the said Canoe the said three Kegs of Rum, Indian Shot Pouch, Bundle of Skins, brass Kettle and leather Bag with parched Meal in it. That the said Boat's Crew took two of the Kegs of Rum, which they there Drank out; That they during their stay, which was till two o'Clock the succeeding morning, behaved in a very abusive Manner to this Informant and his Companions, in particular the Mate (as this Informant was told) kicked him this Informant in his right eye while he was asleep; That the said Boat's Crew took the Canoe with them; And that he this Deponent yesterday morning saw the same laying on the Beech near the

Rivers Mouth; That he saw two Paddles sticking in the mud about a Mile and a half up the River on the East Side, which he believes were the same which he saw the Indians have. And that he believes the same to be the place where the Indians went out of their Canoe. That he has not since seen the said Indians.

(signed) The mark
Sworn before me at Pensacola X
of John Smart.
this Fourth Day of February 1765
(signed) Willm. Clifton—Ch: J.
A True Copy of the Original
Arthur Gordon Cl. Cr.

Affidavit of James Bruce.

Copy. No. 75.

Copy of an Affidavit of James Bruce Esqr.

West Florida Ss

James Bruce Esquire Collector of His Majesty's Customs at the Port of Panzacola in the Province of West Florida aforesaid, being duly Sworn Deposeth and Saith, that on Thursday the 20th day of this Instant June this Deponent saw a Sloop coming into the said Port upon which he sent a Custom House Officer, as was his Duty, to inspect the said Sloop and prevent Contraband Goods being landed therefrom; but the said Officer upon his return informed this Deponent, that he was prevented from going on Board said Sloop by a petty Officer & a party of Marines, who said they belonged to His Majesty's Ship Prince Edward, and he had received Orders from Captain Cornwallis not to suffer any person whatever to come on Board as the said Sloop was a Spanish Vessel, that he then went on Board the Prince Edward and having acquainted an Officer on Board with what has passed as above, desired he wou'd acquaint Captain Cornwallis that a Custom House Officer desired to go on Board said Sloop; Upon which he left the Deck and soon returning informed the Custom House Officer, so sent by this Deponent, as aforesaid, that Captain Cornwallis wou'd suffer no person whatever to go on Board said Sloop; And this Deponent further says & deposes that he this Deponent did this Morning go along side of said Sloop himself and on his attempting to go on Board of her was inform'd by a Midshipman (by Name Blackwell) to the best of this Deponent's recollection, that he had orders from Captain Cornwallis not to suffer any person whatever to come on Board; upon which this Deponent produced his Commission as Collector of His Majesty's Customs at this Port, at same time observing that he was thereby authorized and impowered to go on Board of, and Inspect all Vessells entering said Port; and therefore desired to know by whose Authority he was prevented. Upon which the said Midshipman acquainted him, that Captain Cornwallis had given him this Morning particular orders, not to suffer him, nor any other person, not even the Governor of the Province, to come on Board said Sloop; and farther this Deponent sayeth not.

(signed)
Ja: Bruce.

Sworn the 21st day of
June 1765, before me
(signed) Wm Clifton Ch: J:

A true Copy of the Original
Hardy D. Clk. Crown.

Testimony of James Harris.

Copy. No 76.

Examination of James Harris, Master's Mate
of the Prince Edward, taken June 21, 1765.

He says he was ordered by Mr Dod, one of the Lieutenants of the Prince Edward Man of War, to go on board a certain Spanish Vessel in the Harbour of Pensacola, and permit no other Boat to come on Board said Vessel; he has heard the said Mr Dod say he had a Deputation, but does not know whether he is qualified to act under it. He says that a Boat came along side said Vessel some time last night about nine o'Clock as nearly as he recollects, that he gave Orders not to permit any Boat to come on Board, pursuant to the Orders he had received from Mr Dod, and that he desired the people in the said Boat, coming along side as aforesaid, to go on board the Prince Edward, if they had any thing to do with the said Sloop, and that he did not at the time the said Boat was coming up to the said Sloop, know that there was any Custom House Officer on board of her. That no other Boat came to the Sloop whilst he remained on board, and that he came on Shore about 8 o'Clock this Morning with the Master of said Sloop, by Orders received from the Prince Edward by Mr Blackwell, one of the Petty Officers on board.

Taken this 21st day of June 1765, at Pensacola
in the Province aforesaid before me.

(signed) Wm Clifton Ch. J.
a true Copy of the original
T. Hardy. D. Clk. Crown.

Testimony of Midshipman Blackwell.

No 77.

The Examination of Montague Blackwell, Midshipman on board the Prince Edward Man of War, taken at Pensacola in the Province of West Florida, June 21, 1765.

He says that he was ordered by Lieutenant Dod of the Prince Edward to go onboard a Spanish Vessel coming into the Harbour of Pensacola, and bring her to an Anchor under the Prince Edward's Stern, and to permit no Boat from the shore to come on board without an Order, which he complied with, by going on board said Vessel, bringing her to an Anchor, and then sending the Prince Edward's Boat onboard again to inform Lieut. Dod that said Vessel was loaded with Logwood from the Bay of Campeachy and consigned to Mr James Noble, and desired to know how he was to proceed. That then Mr James Harris, Master's Mate on board the Prince Edward, came on board said Vessel with four Marines with their Arms & Accoutrements and remained there all night. That this Morning about 9 o'Clock he (Montague Blackwell) went on board the Prince Edward with the Captain of said Spanish Vessel to ask if he might go on Shore, that last Night about nine o'Clock a Boat came alongside said Spanish Vessel in order to come on board, but he informed the people on board said Boat, that he had Orders from Captain Cornwallis not to permit any Boat from the Shore to come onboard said Vessel; upon which the Boat went off, but he did not understand there were Custom House Officers on board said Boat. That this morning when he went onboard with the Spanish Master, as aforesaid, he was ordered by Lieu^{t} Dod to take five Men from the Prince Edward onboard the said Spanish Vessel to carry the Master and M^{r} Harris on Shore and one of them as an Interpreter. That M^{r} Harris was to let the said Master purchase what Provisions or other Necessaries he might want, but not to permit him to do any Business on Shore, and to go with him wherever he pleased, and at same time sent the Prince Edward's Boat to Water said Spanish Vessel. That this Morning M^{r} James Bruce, Collector of His Majesty's Customs at the Port of Pensacola aforesaid, came alongside said Spanish Vessel in a Boat with an Intention, as he informed said Montague Blackwell, to come onboard said Vessel, upon which he being informed of the Orders, as aforesaid, from the Prince Edward, produced his Commission as Collector, as aforesaid, and again desired to come on board said Spanish Vessel, which the said Montague Blackwell was obliged to refuse from the Orders he had received, as aforesaid. That he remained onboard said Spanish Vessel till between 5 and 6 o'Clock this Evening, at which time he was relieved by a Petty Officer from the Prince Edward, who informed him that he was come to relieve him, in order that he might go on Shore with M^{r} Johnstone the Provost Marshall general for the Province of West Florida aforesaid.

And he further saith that he recollects that M^{r} Cowen, the second Lieutenant going on Shore from the Man of War in the Cutter about an hour or two after M^{r} Bruce had gone away, hail'd him, and said that in Case the Custom House Officer should come, he was to be admitted onboard, and that on his Arrival the said Montague Blackwell was immediately to hail the Man of War, and acquaint them that he was on board; after which no Boat from the Shore came on board.

Taken June 21 1765 before me.

(signed) W. Clifton Ch. J.
A true Copy of the Original
T. Hardy D. Clk Crown.

Testimony of Lieutenant Dod.

Copy. N° 78.

Examination of Lieutenant Dod of His Majesty's Ship the Prince Edward taken at Pensacola, in the Province of West Florida June 22. 1765.

He says that on the 20th of this Instant June he received Orders from Captain Cornwallis, Commander of His Majesty's Ship the Prince Edward, to send on board a Spanish Vessel coming into the Harbour of Pensacola, two Petty Officers and four Marines with their Arms &c. with Orders not to suffer any person to leave the said Spanish Vessel, or any Boats to come onboard but those belonging to the Prince Edward, which he accordingly did by delivering said Orders to Mr James Harris, Master's Mate of the Prince Edward, who immediately went onboard said Spanish Vessel with the Marines as aforesaid. That a Person came onboard the Prince Edward the same Evening, and said he came from the Governor and Mr Bruce, and wanted to speak with Captn Cornwallis to get his Permission to go onboard the Spanish Vessel, having already been alongside of her, but refused Admittance; That he (Mr Dod) asked said Person, what his Business was onboard said Vessel? Who replied, that he came from the Governor and Mr Bruce, and wanted to speak to the Spanish Captain. Mr Dod then went down and informed Captain Cornwallis with what had passed, as above, who desired him to inform said Person, that he was ill in Bed, and could not see him, but could not permit him to go on board said Spanish Vessel; but at same time desired Mr Dod to inform said person from whence said Spanish Vessel came, her Loading, &c, that he might inform the Governor in Case he should ask him about her, which he accordingly did. That the Orders delivered to the Petty Officers were in general Terms to permit no person to come onboard said Vessel, but not with any Intention to prevent Mr Bruce or any Custom House Officer from going on board in the due Execution of their respective Duties: on the Contrary the next Morning Captain Cornwallis sent for Mr Dod, and told him, that as the said Vessel had come voluntarily into Port without any Pretence of Distress, and the Master declaring she was consigned to Mr Noble, he thought she was Seizable; and as Mr Dod had a Deputation, he had better go on board and seize her. Upon which Mr Dod informed him, that 'twas true he had a Deputation, but had never been qualified to act under it. Captain Cornwallis then desired Mr Dod would send a Boat to bring the Master of the said Spanish Vessel and his papers onboard the Prince Edward, in order that they might be examined, and on discovering her to be seizable, that he might give Notice to the proper Officers, that they might go on board and seize her accordingly. That he apprehends Captain Cornwallis's Intent and Meaning in sending the petty officers and Marines on board said Spanish Vessel was to prevent the Master or Mariners on board from landing or running any contraband Goods, or being guilty of any thing contrary to the Acts of Trade.

Taken before me
June 22. 1765.
signed Wm Clifton. Ch. J.

A True Copy of the Original
T. Hardy D. Clk. Crown.

From James Bruce to Gov. Johnstone.

Copy. No 79.

Custom House
Pensacola 6th July 1765.

Sir,

I did myself the Honor some Time about the 25th of last Month to represent to your Excellency, that I had been obstructed in the due Execution of my Duty as Collector of the Customs at this Port, by People belonging to His Majesty's Ship Prince Edward, and claimed your Excellency's Support and Advice in a Matter of so great Moment to me. I am perfectly sensible your Excellency exerted yourself to the utmost in endeavouring to convince those Gentlemen of their arbitrary and illegal Proceedings. Your Excellency did me the Honor to advise me to make a Judicial Information thereof to the Chief

Justice of the Province, which I immediately did; but am now sorry to inform your Excellency, that I am even at this Distance of time perfectly ignorant of the Proceedings in Consequence of such Information, and am therefore under the Necessity of applying to your Excellency, that this Affair may be enquired into, and Justice done me.

I beg leave to inform your Excellency, that a Deputy of mine likewise in the Execution of his Duty on Board the Sloop Jesus Nazarina was yesterday obstructed in like Manner by a Petty Officer and some Men belonging to the Nautilus Frigate sent on Board by their Commander, for what Purpose I know not, as none of them had Deputations as Custom House Officers. I complained of this in a Judicial Manner, as in the other Case to the Chief Justice, and was given to understand, that he neither could nor would have anything to do in the Affair, adding that he did not apprehend that Captains or Officers of Men of War came within the Meaning of the Act of Parliament.

I am sorry to trouble your Excellency; but, if I am to be thus repeatedly obstructed, I foresee that it will not be in my Power to perform the Duty of my Office in such Manner as the Law requires. I have the Honor to be with great Respect

Your Excellency's
most humble and
most obedient Servant,
(Signed) James Bruce.

Copy
Primerose Thomson Secre^{y}
His Excellency George Johnstone Esq^{r}

From E. R. Wegg to Mr. Pownall.

N^{o} 80.

Copy of a Letter from Edmund Rush Wegg Esq^{r} Attorney General of West Florida To M^{r} Pownall Secr^{y} to the Lords Commissioners for Trade and Plantations dated April 23^{d} 1766.

Sir,

His Excellency Governor Johnstone having on the 18th of

January last sent me a formal Suspension from executing the Office of Attorney General of this Province for Negligence and Incapacity: As I am conscious that I have in the Execution of my Duty given no Reason for such a Procedure, and as it may be some Weeks before an Opportunity may offer for me to go to England, I am under the Necessity of troubling you with this, and desiring that you will, as far as the enclosed Papers will authorise you, to prevent an Innocent from being condemned unheard.

Your well known Character not only assures me of Your Assistance but of Your Excuse also for this Trouble.—

Thus far is a Copy of a Letter which I had the Honor of writing to You the latter End of February last; since which I have had the Misfortune of missing the Opportunity of the Packet in which I had proposed to have went to England.

In about six or seven Days I shall set out from this Place to New York where I shall not stay more than a Fortnight; I should not go thither unless Business of some Importance obliged me.

Was it not that it would appear dictated by an Heart Influenced by Revenge, and that it is a matter which will be fully made known by others, I should endeavour to give You some little Idea of the Misery of this Province and its Causes.

So far am I Conscious of the Injustice of the Accusations against me, that could I by any Means have learnt the Reasons for them, I should have thought a Voyage to England absolutely unnecessary. Whatever Governor Johnstone's Reasons may be, I am well satisfied that upon Enquiry they will be found groundless, and that he has in his Procedure with me been actuated by private Pique and Resentment for a Difference in Opinion, and not from a Motion for the Good of His Majesty's Service, and the proper Administration of Justice in His Majesty's Colony of West Florida. I shall conclude this with again entreating You to give me such Assistance as you may think me entitled to. I am with great Respect and Esteem,

Sir, Your most obedient
23^d^ April 1766 } humble Servant,
Pensacola. } E. R. Wegg.

To John Pownall Esq^r^ Secretary
to the Lords Commissioners for Trade & Plantations.

From E. R. Wegg to Mr. Clifton.

Copy. No 81.

To the Honble William Clifton Esquire Chief Justice of the Province of West Florida.

Sir,

His Excellency the Governor having on the 17th of January Instant, suspended me from executing the Office of Attorney General for Negligence & Incapacity in my Duty, I am under the Necessity of applying to you, for the Vindication of my Conduct here; You have had frequent Opportunities to inspect it; therefore, Sir, from your Candour & Impartiality I flatter myself, those Accusations will be refuted, and my Conduct justified. I am with great Respect and Esteem,

Sir,
Pensacola Your most obedient &
23d Janry 1766. most humble Servt
E. R. Wegg.

Mr. Clifton's Reply.

To Edmund Rush Wegg Esqr

Sir,

I am favor'd with yours of this Day acquainting me with the Causes alledged by his Excellency Govr Johnstone for your late Suspension from your Office of Attorney General, which was not only a matter of Surprize but Concern to me.

I can truly say that I am not conscious of your being chargeable with either of them, nor has your Conduct in this Respect deserved Censure, you having on all Occasions duly attended to, and executed the Dutys of your Office, to which for the Benefit of the Province, I hope and doubt not you will be again restored.

I am, Sir, with Esteem and Regard,
Your most humble Servt
23d Janry 1766. Willm Clifton.

An Address of the principal Inhabitants & Merchants of the Town of Pensacola to Edmund Rush Wegg Esqr

We His Majesty's most loyal Subjects the principal Inhabitants and Merchants of the Town of Pensacola in the Province of West Florida,

Take the earliest Opportunity of returning you our sincere and hearty Thanks for your just & honest proceedings during your Time in Office here, Your Regard to the Welfare of this Infant Colony, every Person must acknowledge. You, Sir, merit our highest Esteem, as your Abilities, and Attention in your Office as King's Attorney General were very satisfactory to Us all. Our sincere Wishes are, that His Majesty may soon reinstate You to your Office, which you may depend will be extremely agreable to, Sir,

Pensacola
23d Janry 1766.
Your most obedt hle Servts,

James Ross
Saml Benniworth
Benjn Ward
J. Blomart
Joseph Page
John Weir
James Noble
Ralph Wardlaw
Jno Crozer
William Barrow
Jno Thompson
Jno Misdale
Caspr Frank
Manuel Josephson
Jno Watkins
Nathl Thompson
Patrick Morgan
Willm Cox
Ralph Walsh
Alexander Moore
John Watts
James Faikney
James Ellistrum
William Marshal
John Gradenigo
William Satterthwaite
Gerome Matulick

Gentlemen,

For this unexpected and distinguishing Mark of your Esteem, I return you my most sincere and hearty Thanks; I am happy that my Endeavours, (during my late Employment of Attorney General) for the Welfare of this Province have met with your Approbation.

You, Gentlemen, and this Province ever shall have the Prayers and good Wishes of

23d Janry 1766. Yours &c. &c. E. R. Wegg.

7th Febry at a Court of Oyer and Terminer, before the Grand Jury were discharged, the Foreman in publick Court read an Address begining,

To Edmond Rush Wegg Esqr

We His Majesty's most dutiful and loyal Subjects the Grand

Jury now assembled at Pensacola in the Province of West Florida,

Take &c, (the same as the foregoing Address)

Your most obedient—humble Servants

William Satterthwaite
John Misdale
Jno Crozer
William Aird.
James Noble.
Saml Benniworth
William Barrow
(Arth. Neil)

Alexander Moore Foreman
Ralph Wardlaw.
John Watts.
Benjn Ward.
Thomas Watson.
Valens Stephen Comyns.

Gentlemen,

I am unable to return you Thanks equal to what I feel for this publick Testimony of your Esteem to me. My Endeavours for the Welfare of this Province are amply repaid by your Approbation of my Conduct; As it ever has been my Study to gain it, so it ever shall be to merit and secure its Continuance.

Endorsed. Whitehall. Aug. 1st 1766.—Representation from the —Board of Trade to the King.—℞ 11th
(Disputes between the Govr—of West Florida, & the Officers—commanding His Majesty's—Troops there.

From Governor Johnstone to Mr. H. S. Conway.

Pensacola 23d June 1766.

Sir,

Upon receiving Your Letter of the 13th March, expressing Your Satisfaction at the Concord which prevailed among His Majesty's Servants executing their different Duties in this Province; It was a painful Reflection to me, that your Pleasure must have been interupted before this, by the Accounts of the Disputes which have since taken Place here.

Ruminating on the Uneasiness which naturally generates in the Breast of a Minister, who is obliged, amidst a number of greater Occupations, to enquire into those lesser Affairs, and which generally ends with an Aversion towards both Parties No

Matter who is right, or who is wrong. And being anxious, at the same Time, to avoid this Consequence I did imagine to myself, that the best Vindication of my Conduct would arise from a Paper I had the Honor to deliver to His Majesty's Minister, soon after my being appointed to this Government, in which every Misfortune that has befallen us is plainly pointed out, and which might then have been easily remedied.

I do not mean this as any Reflection against those who were The King's Servants at that Time; and much less so, as they are now out of Power. It is the Fate of all great Kingdoms, when they arrive at a Pitch, superior, in the Multiplicity of Business, to the Talents of any one Man, that much is neglected: And much more so, when violent Parties are formed in the State. From whence, in the Progress of Society, comes the Dissolution of Government, "And tottering Empires rush by their own Weight!"

From these Considerations, I was not surprised that little Regard was paid to my poor Memorial. But if my Words have been Prophetic, and that it appears I had a full View of the Subject when I was honored with the Government; and that I foretold the Difficulties which would happen; I hope, at least, if I am not permitted to draw any Merit from this Circumstance, that no Blame will be imputed to me, where the Evil was unavoidable by Human Nature, under the Situations which prevailed.

The Persons, to whom I delivered a Copy of the Paper I have now the Honor to inclose, were Lord Egremont, Lord Shelburne, M^{r} Pownal, Lord Halifax, and Governor Ellis, who was then a Kind of Underline Minister for Plantation Affairs.

I am with a perfect Respect,
Sir,—Your most obedient, and
most humble Servant,
Geo. Johnstone.

The Right Honorable
Henry Seymour Conway
&c^{a} &c^{a} &c^{a}

Endorsed Pensacola 23^{d} June 1766.—Gov^{r} Johnstone.—℞ 8th Oct^{r}

Governor Johnstone's Report to Mr. Conway.

Pensacola 23d June 1766.

Sir,

The various Acts of Cruelty and Murder which have been committed by the Creek Indians against His Majesty's Subjects have long called for Redress. Upon an accurate State of Facts, it appears, that not less than one hundred and thirty eight People have been killed by them, since the Year 1731.

The great Congress at Augusta forgave all former Faults; Yet in four Months thereafter, the Creeks killed fourteen Men in cold Blood, at Long Canes. The Congress at Pensacola once more pardoned Offences; Yet in thirteen Months since that Treaty, they have killed five more, and refused every Kind of Satisfaction.

Daily are the Depredations which they commit, in Stealing of Cattle, and harboring of Slaves and Deserters. All which are contrary to Treaty. They have lately fired at the Crew of a Spanish Vessel heaving down on the other Side of this Bay. They have shot one Mr Gray thro' the Leg. They have shot at another Trader and grazed him with the Ball on the Ribs: Still calling out for more Presents.

In short, their Contempt for the English Nation is such, that the common Name they now give them is that of "Fowl," Saying, "that they can equally knock off the Head of the one Animal "as of the other, with Impunity."

This Behavior of the Creeks, and our Conduct in Return, begins to communicate the same despicable Opinion of our Nation to the other Indians, who all, and in general, consider and calculate Debts of Blood as exactly as any Banker does his Guineas.

It plainly appears to me, upon the whole, that the Creeks must be chastised; if we expect Settlements in these Parts to flourish; or if we expect to keep any future Consequence with the other Indian Nations. There never was a Time better adapted than the present; when a War is breaking forth between the Chactaws and them. If this Breach could be fomented, and the Chicasaws (our antient Friends) induced to join the

Chactaws, and the Cherokees brought likewise to act against the Creeks; while our whole Force in these Parts should openly and boldly march into their Country, I think, the Creeks would be easily subdued.

They are certainly a very powerful Nation of Savages. The Opinion of their own Force is infinite. Their Numbers are not less than three thousand, five hundred Warriors. An Expedition against them demands the most serious Attention. But the Necessity of such an Expedition is not less obvious.

To aid the Judgement of my Superiors, I shall endeavor to mark a connective Plan on Paper.

That the Chactaws, Chicasaws, and Cherokees, should be induced, by large Presents, to act against the Creeks, under the certain Assurance of our Assistance.

That our Traders should be withdrawn, and effectual Means used to prevent Supplies thro' third Hands.

That twelve hundred Regulars should rendezvous at Pensacola in the Month of February, to be joined by two hundred Rangers from the Colony, five hundred Chactaws, and four hundred Marines.

That five hundred Regulars, one thousand Provincials, and three hundred Cherokees, should rendezvous at Augusta, at the Same Time with those at Pensacola.

That timely Provision of five hundred Horses, and fifty Drivers or Guides, should be made, by proper Contracts with the Traders, to rendezvous in Time at Pensacola. & an equal Number at Augusta.

That a sufficient Quantity of good Provision should be imported for the Army in Kegs, and proper Tackling for carrying it on Horseback. But particularly a Quantity of Indian Corn.

That four light Field Pieces should accompany the Army, with proper Materials and Men, and a treple Proportion of Grape Shot.

That Camp Equipage, and a sufficient Number of Axes and Entrenching Tools, should be provided for two thousand Men.

That the Squadron at Jamaica, and Part of those in North America, should rendezvous here; and at the same Time bring twelve flat bottomed Boats.

That a flying Hospital should be fixed.

Things being thus provided, it is proposed that five hundred Regulars, and one hundred Chactaws, and two hundred Marines, and fifty Rangers, and two light Field Pieces with a proper Train, and one hundred and fifty Horses, should embark for the Chactaw Hatché River that runs into Rose Bay.

That these should march forthwith against the Lower Creek Towns destroying Men, Women, and Children.

That, at the same Time, the remaining Force should be carried across the North West Branch of the Bay of Pensacola, and march immediately from Surman's Plantation to the Upper Creek Towns.

That the Detachments sent to the Upper or Lower Towns should equally endeavor to join each other, according as their Business may be first despatched; and that the Party from Augusta should join both or either, as Intelligence might determine.

That the Chactaw and Chicasaw Nations should march off their whole Force from Tombeckby against the Creeks.

The great Advantage of any Expedition from Pensacola, is, the Proximity to the Enemy, and the Easiness of the Roads. The Distance from the Head of Rose Bay to Chiscatalopha is not seventy Miles. And from the Head of the North West Branch of the Bay of Pensacola, at Surman's Plantation to the Tuckebatches, is only one hundred and eighty Miles, and not a River to cross, and almost the whole open Woods. Whereas, in our other Expeditions, especially against the Cherokee Indians, we had Mountains, Rivers, and a long Carriage for Provisions.

It is this Consideration, of the Goodness of the Roads, that induces me to believe, light Cannon will prove of as great Efficacy against the West as they did against the East Indians.

The Reason for pitching on the Month of March, is, that the Indians are dispersed a Hunting. But more especially, that our Troops might not be affected with the Summer Heats.

There is a Gentleman, Mr Campbell, who was Lieutenant of Marines on Board the Tartar, who can give good Information on this Subject. He accompanied Mr Hannay to that Nation, and all his Remarks were judicious. I can recommend him as a most deserving young Man.

Inclosed I have the Honor of transmitting the last Talks which have passed between us & the Creeks, which, in their Language, are very sharp.

Under this Situation of Things, when we are on the Eve of a Rupture with those Savages, it is extremely mortifying to me, to observe the Colony in some Measure deserted. The two Regiments cannot now mount five hundred Men. Colonel Tayler has, nevertheless, thought proper to take Possession of a Post in our Rear, at the Natchez, by a Detachment of sixty Men from Mobile. The Governor in Council has protested against this Measure. The Inhabitants of Mobile have presented a Memorial, setting forth their defenceless Situation, which is really deplorable. Half the Officers of the Colony are now absent, or have obtained Leave to be so.

When I reflect, therefore, on the Fate of Minorca, and the first Settlement of Carolina, I think it my Duty to represent my humble Opinion, that the whole Civil and Military Branch should attend their respective Duties, and that Recruits or Draughts should instantly be sent out. Otherwise, the Colony cannot be said to stand in that Degree of Security, or Circulation of Property, which Parliament has bestowed upon it.

When Nova Scotia was established, which did not stand in half the Risk with this Province, and had double the Force to defend it, Yet every Officer was obliged to attend.

If in the Zeal for the Prosperity of the Colony intrusted to my Care, I may trespass on the Conveniency of any particular Gentleman, I hope to be pardoned, by Men of more universal Consideration. Tho' I am conscious, every Representation of this Kind, when made public, is apt to produce a Number of Enemies; especially if thereby Men are forced to leave the Seat of Indolence and Pleasure, to resort to the Wilds of America: However, that the Justice of my Representation may appear the more, I take the Liberty of copying a List of Absentees.

If the Matter was put on any regular Footing, there might be some Dependance. But when one Half have died, and some have not joined, and His Majesty's Leave of Absence arrives for the other Part: There should be a discretional Power somewhere on this Subject.

A List of Officers
absent from the 31st Reg^{t}
Major Bromley
Captain Maxwell
Captain Hamilton
Lieu^{t} Carleton.
Lieu^{t} & Adj^{t} Cornish.
Ensign Dalrymple.
Ensign Brisco.
Ensign Green.
Ensign Watson.
Lieu^{t} Egerton.
Dead Ensign Hord.
M^{r} Collier Dep. Chap^{n}
& the Chaplain not joined.

Absent from the 21st Regiment.
Lieu^{t} Col. Maxwell
Captain Sutherland.
Lieu^{t} Ramsay.
At Pensacola on their way to Europe, having obtained the King's Leave of Absence
Captain Steward.
Captain Small.
Capt^{n} Lieu^{t} Innis.
Lieu^{t} Stewart.
Lieu^{t} Bethune.
Lieu^{t} Robertson.
Lieu^{t} Cunningham.
Chaplain Gordon.
Lieu^{t} Thising.
Lieu^{t} Campbell.
M^{r} Barron Surg^{ns} Mate.
Dead.

Staff Officers absent from Pensacola.
Commissary General of Stores & Provisions.
Fort Adjutant & Barrack Master.
Chaplain to the Garrison.
Archibald Robertson Engineer, under Leave of Absence from the Board of Ordnance.

Staff Officers absent from Mobile.
Deputy Commissary of Stores.
Fort Adjutant and Barrack Master.
Chaplain to the Garrison.
Surgeon to the Garrison.

Civil Officers absent.
Secretary of the Province.
Register and Naval Officer.
Minister at Mobile.
Minister at Pensacola.
Schoolmaster at Mobile.
Comptroller of the Customs.

I am, with a perfect Respect,
Sir,
Your most obedient, and
most humble Servant,
Geo. Johnstone.

The Right Honorable
Henry Seymour Conway
&c. &c. &c.

Endorsed Pensacola. 23d June 1766.—Govr Johnstone.—℞ Octr
From Mr Pownall.

From William Struthers to Governor Johnstone.

To His Excellency Governor Johnstone.

Mobille, Aprill 10th 1766.

Please your Excellency

About January last the Weokay Town of Creek Indians missed one of their People, & after a fruitless Search in the Woods for him concluded the Chactaws had killed him, in March early Eleven Men of that Town went out to War against the Chactaws for Satisfaction & killed one Chactaw near Tombegby Fort, whose Scalp was brought in to their Town about twenty Days ago, Several other Creek Indians went of to the Cherokees with an Intent to join them & wage War against the Northern Indians, but a Runner being sent after them by the Headmen in a few Days they all returned, As to the Disposition of the Creeks I leave your Excellency to be the best Judge of their Intentions, No doubt your Excellency heard of their murdering two Men & a Boy on Savanna River early in the Fall, & I am privately informed that the same Fellow is actually at this Time with other evil disposed Fellows to the Settlement of Ogetchie in Georgia to do further Mischief, About the 20th of last Month a Meeting of the Headmen of the Creeks was held at Oakchoy Town in the upper Creeks, where an Indian Head Warriour viz. Wau Thlockie Mathlie alias handsome Fellow of Oakfushee Town acquainted the Headmen that he had seen traded & conversed with one Cornelius Dogherty an old Cherokee Trader, who had brought a large Quantity of Goods to a Place called the Mortars Plantation, where he sold very cheap, that the said Trader acquainted him that the sole Motive of his coming to deal with them was purely from a Regard he had to all Red People having lived amongst Indians from his being a Boy to his now being an old Man, that the People of Pansacola & Mobille were dissatisfied with the Conduct of the Creeks & were determined to fall on them this Summer, that some Troops were arrived for that Purpose & that more were coming, & that should they be in Want of Ammunition or other necessarys they might depend on it he would have a Supply there for them, however I have not heard that his Talk met with the Applause he expected, nor did many believe it.

The 25th John Murniaek coming with a few Goods in a Bag to the Town of Othlewallie was met by an Indian with a Gun who demanded them of him, On the Mans refusing he threatened to kill him, the said Murniaek galloped his Horse of, on which the Indian fired & shot him thro the Shirt under the Arm, but happily no other Mischief ensued, One of my Hirelings the same Day at Pukkantallahassie had some Words with an Indian who would not pay his Debt but was laying them out at another House, at last Proctor the whiteman took his Debt from him, on which the Indian waylaid him in the Path to kill him, but was prevented by other Indians discovering him, The Mortar is dayly expected in the Creeks, when there is to be a great Meeting of the Headmen of the Nation, I imagine to try to breed fresh Disturbances. His Medall that your Excellency & Cap^{n} Stuart gave him is at present in Possession of the Headman of the Little Tallasey, who I believe intends bringing of it to your Excellency. As to Trade in the Creeks this Year the Indians has made poor Hunts, & a Number of new Traders from Augusta the old Method of trading entirely overset, now a Blanket for seven, a Raw skin taken at more than its Value, & almost every Article one Pound of Leather cheaper than before, I with great Pleasure would have waited on your Excellency to have acquainted you with what might have come to my Knowledge in the Indian Country, but my Partner at Augusta is dangerously ill which obliges my immediate Return to the Creeks. I rem. &c.

signed Will^{m} Struthers.

This is a true Copy compared with the Original

David Doig.

Endorsed. Copy—Mr William Struthers—to Governor Johnstone.—Mobile 10th April 1766.—In Gov^{r} Johnstone's, of the 23^{d}—June 1766. From M^{r} Pownall.

Papers sent by the Governor.

Pensacola 23d June 1766.

Sir,

I enclose, for the Information of the Board of Trade some Dispatches for His Majesty's Secretary of State, which it is impossible for me to get copied by this Opportunity, without detaining the Packet.

I hope this will prove a sufficient Excuse for not adressing myself particularly to the Board on this Subject.

I am, with great Respect,—Sir,

Your most obedient, and
most humble Servant,
Geo. Johnstone.

John Pownal Esqr
Secretary to The Right Honorable
The Board of Trade.

Endorsed. Governor Johnstone to—Mr Pownall shewing the—Reason why his Packet of—23d June to His Majesty's—Secretary of State was sent—open.

Colonel Tayler's Talk to Indians.

Copy.

To the Head Warriours & Kings of the Upper Creeks.

Pensacola 9th June 1766.

The Creeks must expect if they proceed in committing Unjustice, that as I command all the Warriours in the surrounding Provinces, that I must order them to act together against them, which I am sure the other Red Men who are good Brothers & Friends to the English will approve of, when they are informed of the Breach of the last solemn Treaty made at Pensacola, & the dayly Insults & Crueltys the Creeks commit, but the Great Warriour hopes that will not be the Case, but on the contrary that the old Men will see the Madness of their young Men & correct them in Time, so that as the Great King sent me hither to be as a Father to his Red Children, I may have an Opportunity of taking the Chiefs by the Hand, & of exercising Acts of Kindness & Friendship, which I wish to extend to the whole, rather than be the Instrument of carrying Misery & Destruction amongst them.

To Otio Mixo.

A few Months ago I took by the Hand Telachy an old King of Ten Towns & many more Chiefs of the lower Creeks, They told me they rejoiced to dance with us in the Chain of Friendship, which they wished might grow brighter & brighter every Day whilst the Sun shone for ever, I pardoned several Soldiers a very great Crime, because Telachy & the rest of the Chiefs begged I would pardon the Soldiers, They told me that they rejoiced to see that good Day The Day of Peace between the English & the Creeks, & hoped no Harm would be done on that Day to any of their Brothers, They said their Hearts were good, & that they were one People with us, They did not threaten to kill their Brothers in Case they went over the Line by Mistake into their Country, They told me they would tell them kindly to go back again, & promised that if their Cattle should stray into their Woods that their white Brothers should have Leave to drive them Home back again, because Brothers should assist one another, Otio Mixo has not talked like Telachy upon this Occasion, who is also a brave & a very old Warriour & a great Medall Chief.

signed by Brig^r^ Taylor.

Endorsed. Copy—Talk from Colonel Tayler—Acting Brig^r^ General—to the Creek Nation—9th June 1766.
In Gov^r^ Johnstone's, of the 23^d^—June 1766. From M^r^ Pownall.

From the Governor to General Tayler.

Pensacola, 22^d^ June 1766.

Sir,

By and with the Advice of His Majesty's Council for this Province, I do, in the most respectful Manner, enter my Protest against sending off a Detachment of the 21st Regiment to Natchez; which I think most unseasonable at this Time in every respect, and running such a Risk of the Lives and Properties of the Inhabitants of this Province, by removing the little Force we have left from the Scene of Action, in the Critical Situation in which we stand, respecting the Creek Indians; that not one good Reason can offer itself to my Imagination, in Support of such a Conduct. Not doubting, at the same Time, that You have many.

I have further desired the Secretary of the Province to shew You a Petition, which was Yesterday put into my Hands, on on this Subject, from the Inhabitants of Mobile, that You may pay it that Regard which it merits.

I am, with great Respect,—Sir,
Your most obedient, and
most humble Servant,
(signed) George Johnstone.

Colonel William Tayler, Acting Brigadier General,
Commanding His Majesty's Forces in the Southern
District of America at Pensacola.

Copy.—Primerose Thomson Secry

Endorsed. Copy—Governor Johnstone to—Acting Brigr Genl Tayler,—protesting against the—sending off a Detachment—of the 21st Regt to Natchez.—22d June 1766, to which no Answer has been sent.—In Govr Johnstone's of the 23d—June 1766. From Mr Pownall.

From Mr. Struthers to the Governor.

Copy.

To His Excellency Governour Johnstone.

Little Tallasey May 20th 1766.

Please your Excellency,

On the Arrival of Emistecego from Pansacola he acquainted me that he had brought a Talk from your Excellency to this Nation, & he desired that me & John Proctor might be present at the Oakchoys when an Answer would be sent, On the 14th Inst I & Proctor went there, which Day & the next they conferred together, & on the 16th gave their Answer which I enclose your Excellency & the Names of the principal Indians then present, I am informed that Governour Wright & the Superintendant has likewise wrote up to Mr Macqueen & Germany to demand Satisfaction for the Murders committed on Savanna River Last Summer, as also acquainting them of the Death of one of their People at the River Midway in Georgia, which Fact was said to be committed by three Negroes who in Consequence of the Treaty concluded at Augusta were executed & after hung in Chains, this is all that I have been able to learn of it as Mr Macqueen & Germany never informed me nor sent me the least Notice, I am told that this Talk was delivered in private to the old Woolf King who desired they would say nothing about it as Times was already very bad & possibly would be worse by giving out this Talk, however he has whispered it to some of his Friends & they to some of theirs so that it remains a perfect Secret. I presume your Excellency will be kind enough to give some Notice to the poor People in this Nation if any Thing should be in Agitation, as our Lives are constantly at Stake in these Parts, & I know not but if a Chactaw even should kill any of them at this Time but they will kill some of us in Retaliation, I really think things are drawing to a Crisis in these Parts, & I believe that nothing stops their Hands from a general Massacre of us abroad but their not having a sufficient Quantity of Ammunition, & God knows what a Set of Wretches are abroad, One Gang of Horses have been up & down this Spring already & have brought a good Deal of Powder & Ball more to curry Favour with Indians that any Prospect of Gains they can have at this Time, I received your Excellency's Letter pr Mr Doig tho not till the Middle of April, In Regard to the Negro Boy Mr Doig thought he would not answer, I never recommended him for his good Qualities saving that of a good Linguister, but I am confident that your Excellency can make a good & serviceable Negro of him, his Price is £60 Sterg, if your Excellency thinks to honour me with a Line signifying whether you chose to have him, please direct to the Care of Mr Graham in Savanna as his Master is going to Augusta & I likewise, There is present here now Molten Emistecigo & the second Man, who after my convincing them of the unreasonable Demand they ask in their Talk for the Carriage of this Letter, they have at last dropt the Notion of sending many People with this Talk, I hear of but two & one white by Name James Conner who lives with Molten, They expect your Excellency will pay two Kegs of Rum a Gun Blanket Boots Shirt Flap & Ammunition to each Man, & Molten expects the same for his whiteman, They desire I will write the following to your Excellency.

We hope your King will not take our Talk amiss that we send, for we are informed that the Commander of Mobille gave the Chactaws Incouragement to come to War against us, We therefore cant help being jealous, & beg you will send us Word whether it is so or not, & we shall be particularly obliged to your King to write to the Commissary at Tombegbey to know whether the Chactaws are coming against us at the Desire of the Commander of Mobille or their own Accord, and we desire he may enquire of the Headman of that Nation, & we shall be glad if the Leader of Chikasaws may send us Word if he knows of any Intent to do us Mischief, & as we shall be glad to see Supbubbie Coose Mathla Hoboye Hajou at our Busk for we have been ever Friends with the Chickasaws. We shall listen to Things till then, Molten further desires your Excellency will not think him a Lyar for not bringing his Cattle to you according to Promise, as the Path is now stoped by Chactaws, but when that is cleared up he promises to bring them, Your Excellency will pardon my importuning you in Favour of the secondman of this Town for some Rum, as he sends a Horse in Company with these People in Expectation of it, Two Kegs I dare say may do, however they are all modest enough to want Nothing for the sake of asking, he wants it chiefly to buy Corn for his Children as there is a great Scarcity amongst them, If your Excellency sends a mild Answer I believe the Mortar intends coming down this Summer, I believe I shall remain some Time yet in the Nation as I am disappointed in seeing a Person from Augusta before this, Two Cherokees was at this Meeting who gives an Account of their People being dayly Cutt off by Northward Indians as also one whiteman, and that Numbers of the Cherokees are gone to War, & the Commander of Keowe has given them Ammunition, with other Talks I am a stranger to, Molten likewise asks for a Keg of Wine, As to his Whiteman I know little of him, Your Excellency I dare say will beware of him, for I have no Opinion of Men that take up with Indians. I am &c.

signed, Will^{m} Struthers.

This is a true Copy from the Original—David Doig.

Endorsed. Copy—Mr William Struthers,—to Governor Johnstone,—inclosing the Talk from—the Creek Nation—Little Tallassey. 20th May—1766.—In Govr Johnstone's of the 23d—June 1766. From Mr Pownall.

The Governor to the Creeks.

To the Head Warriours & Kings of the Upper Creek Nation.

Pensacola 9th June 1766.

Friends & Brothers I shall answer all your Talks & begin in the Order I received them & first to the Oakchoy King.

You are pleased to assign as a Reason for wishing the Great Medall had been given to another that you are old, but it is for that very Reason we thought of bestowing it on you, because you are old & have had long Experience & have given Proof for many Years of your Wisdom, & because it is fit the young should listen to the old & be governed by them, to whom the young again will succeed if they approve themselves worthy, when the Giver of Breath shall in the Course of Time take the old into his Judgement, For my Part I wished much to have seen the Oakchoy King at the Congress here to have convinced him I have heard what he mentions in his Talk. "That he had saved the White "People in the Day of Trouble when the Madness of their young "Men went abroad,["] Such Men as these the English can never forget, no not if they should meet them in the Rage of Battle, Yet even then a kind Remembrance would take Place.

If the Oakchoy King means, by mentioning the old Path, that the new Path to Pansacola should not be free & open, this is contrary to the Treaty concluded last Year, but in Case the new Path is not to be free & open to Pansacola, let not the Indians come here every Day for Rum, & Provisions, & Powder, & Ball, & Presents, as they do, The Creeks have had more Things from Pansacola than they ever had from all the other Places & yet nothing will satisfy them, They think to extort our Goods from us by Force, but they will know in the End that we are Men, All Kinds of Madness & Disorder seems to have distracted their young Men, The Creek Nation cannot complain of the least Unjustice practised by us & yet they are every Day committing Outrages.

The Report that it is us who have set the Chactaws against you is groundless & false, The real Cause of the Chactaws going against you is the Murther of Suchee Nathla by the Creeks on the 15th March 8 Leagues below Tombegby on the Creek side, where he was scalped & the War stick left by him, This is the Reason the Chactaws go to War, & the Person who committed that Murder is the Occasion of it, for the Chactaws declare let us say what we will they will no longer sit still and be treated like Children. When the Meccas carryed off the Chactaw Woman & Child & killed the Husband last Year, we made the Peace between you, but now it is no longer in our Power, for the Chactaws alledge it was us who was the Occasion of the last Murder by setting the Creeks upon them, which is as false as the other Report of our setting the Chactaws against the Creeks, we have not interfered in this Matter between you & them, neither shall we interfere, The French Governour has sent a Talk here complaining of the Murther of ten of his People in a cruel & barbarous Manner by the lower Creeks when their Vessel was cast away, and asking Leave to send a Number of Men from N. Orleans to join the Chactaws to revenge these Murders, but we have absolutely refused to permit the French to come on this Side the Mississippy, from whence you may judge of the Sincerity of our Professions.
To Emistisigo.

Tho Emistecigo talks with more Friendship & Kindness than the rest, yet I believe it will be found in the End he is not less a Friend to his Nation, He & every Goodman must see the Advantage of Living in Peace with the English, But Peace cannot long be maintained where Murders are every Day committed, & this all around & without any Provocation on our Side, & without any Satisfaction from you after the most solemn Promises, for what is done against Georgia & Carolina is equally done against the others, For the Great King's Children are all one People, whether in Carolina Georgia Pansacola Mobille or S^t Augustin.

Emistecigo is sensible of the good Markets the Indians have made both of their Venison & Skins at Pansacola, yet not contented with these Advantages they will still quarrel with us without a Reason.

How can I send Ammunition or any Thing else to a People who have robbed the very Messengers sent to me with their Request, & have further obliged them to ride round 60 Miles to save their Lives such —— Fellows are only fitt to kill Men behind a Bush, for surely they dare not face their Enemys on open Ground.

It is true after Peace we do not ask why our Officers did so & so, because by Peace all former Faults are forgott, but if that Forgiveness is an Inducement to commit fresh Crueltys & Murthers it is impossible to know where it will end, The Talk of the Great King is for Peace, but if in the midst of the Professions of Peace we are to be deceived & to experience the Miserys of War it is better we were at War at once, & then a few Years must end it.

This the Governour speaks thro Emistecigo to his People, whom the Governour thinks a true Friend to his Nation, & an honest Friend to the English who can alone support them.

To Otiz Mico—or the Mortar.

The Governour thought Otis Mico had regarded Pansacola & the Chief who is there As the first English Man & the first of the English Settlements to whom he had given his Friendship, but since all his Professions seem to be delusive, & that Otis Mico is willing to believe every Vagabond rather than the Governour whom he had by the Hand, Otis Mico may do as he pleases, The Governour begins to think that Otis Mico imagines that the Civilities which were shewed him here proceeded from Fear, otherwise he would not have sent the Talk he has done.

The Governour is sorry to learn that Otis Mico, a Man of Sense, is the Occasion of raising vain Jealousys in his Nation, by listening to the idle Talks from every Quarter, not consulting the real Prosperity of his People, which is to live in Peace with us, but his own Power, which depends on Confusion among his People; from whence all kind of Disorders has spread thro his Country, The People of Pansacola have not extended the Line of Boundary as Otis Mico may see if he chooses to come down, The Governour adheres to his Word to which Otis Mico has not.

The Governour was chiefly desirous of the Friendship of Otis Mico from being told he was a Man firm to his Promise, & if that is the Case the Governour still wishes for his Friendship, but in Case all his Professions were under the Mask of a hollow Heart, the Governour concludes his Speech to Otis Mico as Emistecigo did his concerning Chactaws, "If you are for Peace, say so, we "wish to continue, if for War, say so, & we are prepared." But to receive our Presents, eat our Provisions, use our Powder & Ball, & cutt our Throats, It is neither fitt that you should do so, nor that we should permit it.

signed Geo. Johnstone.

A true Copy compared with the Originall.

David Doig.

Endorsed. Copy of Governor Johnstone's—Answer to the Talk —of the Creeks. Pensacola 9th June 1766.—In Govr Johnstone's, of the 23d—June 1766. From Mr Pownall.

Answer of the Indian Chiefs.

Answer to His Excellency Governour George Johnstone his Talk to the Creek Nation delivered to the following Head Warriours & Kings this Day at Oakchoy Town Upper Creeks 16th May 1766.

Otis Mico Little Tallasey Great Tallasey Sukitchpogo
Oakchoy King Tallasey Neahlatko Tustunnock Hoboyie Iffa Tuskena
Hoboyie Hajou Emistecigo Mebamus Weokays
one Pusadie Five Savannas Molten Hillibie Warriour
Interpreter John Proctor Wakakoys.
First Speaker Oakchoy King

At our first Knowledge of the English we agreed on a Commerce, which was that the English should bring us Goods for which we exchanged Skins, which the English have since carried on with us, we have not forgot that was the first Beginning of Friendship tho our old People are dead when the old Red & White People agreed on that, We have ever stuck to it for the

Benefit of our People that they may not want for Apparel & that our young People might go gay, tho I now am weary & old, We have not forgot the old Path & where the Boats comes up to supply us & have supplied us, & I hope you dont think there is any bad Talks amongst us, We stand to all we agreed on formerly, As to Accidents happening to white People in Regard to their Goods & other Mishapps we cant account for it, our Head Warriours are always talking for Peace & the Good of our Nation, The Meaning of these Misunderstandings I take to be this, I am now grown old in my young Days, The fourth Time I went to Charles Town Lachlan McGillivray was Interpreter, The then present Governour acquainted me that the Northward Indians had applied to the English for Trade & Instruments of War, which they were supplied with, The French came there soon after & and claimed the Land the English were on, on which a Difference happened which ended in Bloodshed, & these Instruments are still to the Northward, The then present Governour of Charles Town desired us to sit still, which we did, & did not take Part on either Side, I answered that as we sate easy why he gave Commissions to the Cherokees to kill the French, which he did not deny, I then said the French certainly did the same to their Indians, and as both sides lost Men it was impossible for People to sit easy when they saw their Friends a falling, & as the Indians left their Friends our Country the English might live to repent that ever They set Red People against one another, & as the Governour desires an Answer we begin at the first of Red Peoples Differences, It is the Way of Red People to skip Things that may be improper & make our Heart sore the Hearing of them repeated, When the Murder of the English Traders 1760 happened some of them ran to me which I saved, The Woolf King did the same, tho what I had talked with the Governour of Charles Town I did not expect it would happen especially here, but it did, after gathering what white Men I could I went down to the Woolf King with them where there was others saved, I asked him if he knew any thing of an Intent to do Mischief, which he as well as I was ignorant of, we sent the remaining People to their Country, & desired a Trade as usual from Charles Town & Georgia, which we have enjoied ever since, We then desired Plenty of Ammunition which if it was not sold in one Year it might the next, as they were asked for it, it would not spoil, we still desire the same to prevent any Jealousys in our young People by the Want of it, The Warriours of this Nation are satisfied with the Goods that comes abroad, the English are settling every where round us, & carrying Instruments of War amongst the back Nations, If the English were to drop carrying Things there which we hear of it would give us less Uneasiness. From the Meeting at Pansacola you sent me a Medall, & a smaller one which I have gave to Hoboyie Hajou who is young & a Wellwisher to the English, as to the large one I accept of it, but as I am growing old I would have wished that you had pitched on some other that might be worthy of it, I likewise was glad to hear that the English & French had made Peace, which you acquainted me of by the Mouth of Otis Mico.

Emistecego. Our King has ended his Talk, I as a Head Warriour have gave your King his Talk according to my Promise, & most of the Head Warriours are here & have heard it, The Head Warriours of this Nation thought every Thing was settled to the Satisfaction of both Partys at the Meeting last Spring at Pansacola, but we find our young People are still bad, When our young People were down last to sell their fresh Meet they were glad to see the good Trade there, The Chactaws we hear wants to stop the Path, but for all that they will not be shy of it, When They were down there happened a Misfortune in the Path, I speak it publick & do not hide it as I think the Governour would hide Nothing from me, but it is a Misfortune that it was done by a Person we cant take hold of, Upon enquiring strictly into this Affair we find there is two Red People lost for that one Whiteman, so we hope the Governour will think no more about that, When white People are at War after many Turns of Fortune they make Peace & think no more of what is past, you do not ask your Officers why they did so & so, & we wonder you scrutinize so strictly into our Affairs, Upon the Conclusion of Peace between English & French we & the Chactaws were desired to drop all War Weapons, as the Cap^{n} of Yannabie a Chactaw told me when I went to their Land, that we might amicably live together, & hunt peaceably to cloath our Women & Children, since which They killed one of us & we have killed one of them. We have dayly Accounts of the Chactaws turning out to do us Mischief, If they are for Peace or War we are agreable to either, we shall not be the only Sufferers, The Traders will not receive their Debts as usual when we cant hunt in Safety, It was your Desire when there was any Talks in our Nation to send a Man with an Account of it to you, but as the Path is somewhat dangerous, when we go there may be many, but be our Numbers what they will,when you see us I hope you will take us for Friends, & as we are in Want of Powder Ball & Flints we hope you will send us twelve Kegs Powder Ball Flints &c. &c.

Mortar alias Otis Mico. When I was at Pansacola the King confered a Mark of Distinction on me, I thought then it would turn out not to my Advantage & I find it so now, When I talked with the King we talked of Land & granted some to him, viz. from the Whitehouse & so forth, the Governour is sensible of the Boundaries, We desire as it was then agreed that he will give Charge to his People not to encroach nor cross the Boundaries, as it was then agreed on, as they may answer the Consequence at their Peril. I have received a Roll of Tobacco first & after a white Flag from Cornelius Dogherty a principal Trader of the Cherokee Nation, who acquaints us that the Intent of the setling of Pansacola Mobille &c is to kill the Red People asleep, & after to destroy them, that for his Part he is there ready to supply them with Ammunition &c, & that he now gives them timely Notice, We are lately informed that the English sent a Parcel of sharp Things to the Chikasaws to induce them to go to War against us in Conjunction with the Chactaws, The Chikasaws refused accepting of them, & said that if the Chactaws had a Mind to take Satisfaction for People lost formerly they might, but for their Parts they would have nothing to do with it. A Party of the Headmen of this Nation intended this Spring for the Chactaws to confirm a Peace with them, but happened not to go, whereby they have escaped the intended Mischief, as the Chactaws waylay'd the Path to kill them, for my own Part I intended to have gone to the Cherokees to look into Affairs there, We are surprized the English should attempt to set Indians against one another, If the English break War with any other Nation we do not interfere, & if we choose to live in War or Peace with Indians its our Business & no other Peoples,·Therefore its no Wonder we have not the best Opinion of white People, We had some Talk about Trade when I saw the King at Pansacola, sixty Bullets for a Pound of Leather was agreed on, Rum at a Bottle full for one Weight likewise, I live out from the Nation, I will not say that Rum dont come abroad, because I have been out of the Way this Spring, but should I be in any Town when Rum is selling, I will carry a Pound of Leather for a Bottle of Rum, & should the whiteman refuse taking it I will let them see what I will then do, for I expect the Trade as agreed on at the Meeting at Pansacola, & I now give Notice to prevent any Misunderstandings that may hereafter happen on that Account, We are likewise told that all the Powder in the Chikasaws is carried to the Chactaws to set them still on us, We are likewise informed that the English intends to stop Ammunition from us, & as you want the streight talk from us we send you this Talk, & desire your Answer fully whether you intend to send us Ammunition or not, I was informed that a Party of Cherokees are gone to England, & soon after heard that a Wagon Load of Ammunition was sent to the Cherokees to go to War against us, I thought to talk with them before they went, but I expect at their Return to know what we are to depend on, There is many Traders in this Nation that talk against Indians, & I know not but some of these Disturbances proceeds from them, & I should be glad to know if it is the Great Kings Talk to set Indians against one another.

The 2d Man of Little Tallasey alias Neahlatko.

Otis Mico resigned his Medall gave him by the King of Pansacola, & should Otis Mico go to the English Country it will not look well, I therefore have talked with my People & I desire him to take it back again, as Otis Mico brought a large Medall for Oakchoy King at his Return from Pensacola its fit that Otis Mico should keep his Medall, & it may induce him to stay in his Nation as he at present lives far from it, & may possibly think by resigning it he has no Concern with the Affairs of the Nation, I therefore return it to him, & hope what Talks may come from your Country may be directed to him & Oakchoy

King, As I always call Otis Mico my young Brother he now in presence of Red & white promises to take it back again, for I think after the King of Pansacola has wrote to the Great King of England that Otis Mico had accepted of it I insist he will keep & wear it.

Answered by The Mortar.

Its true I resigned my Medall but I had my Reasons, I was promised a Regulation in Trade which the Traders would not agree to, I received many Affronts on that Account, As you are my elder Brother I comply with your Request.

This is a true Copy compared with the Original.

David Doig.

Endorsed. Copy.—Talk from the Creeks—16th May 1766.—In Gov^r^ Johnstone's, of the 23d—June 1766. From M^r^ Pownall.

From Governor Johnstone.

Copy.

Pensacola 26th Sept^r^ 1766.

Sir,

As I have Reason to believe, from the Board of Trade not acknowleging the Receipt of my Letters, that a Packet, which I sent by the way of New York, dated the 26th of February, has not reached their Lordships, a Copy of which Letter with a Schedule of the Papers that were before inclosed, in it I Transmitted by the Hillsborough Packet. I therefore now send second Copies of the Letters which passed between Lieutenant Colonel Maxwell and me, that the Account of those Transactions may be compleat.

I am, with a perfect Regard,—Sir,

Your most obedient and
most humble Servant,
Geo. Johnstone.

John Pownall Esq^r^ &c^a^.

Endorsed. Copy of a Letter from—George Johnstone Esq^r^,—Gov^r^ of West Florida,—to John Pownall Esq^r^—Secr^y^ to the Lords of—Trade, dated Pensacola—Sept^r^ 26. 1766.

From Governor Johnstone.

Copy. Pensacola 26th Septr 1766.

Sir,

I make no doubt, that the Causes of all Dispute in this Province between His Majesty's Servants, Civil and Military, are by this time effectually removed. I beg leave to assure their Lordships, that it is extremely disagreable to me to be obliged to trouble them so often on these Subjects; But as I am well acquainted with the Effects of partial and untrue Representations, I therefore take the Liberty of inclosing the Letters, which have passed, between the Acting Brigadier Tayler and me, concerning which I do not presume to make any Comment. But I send them to the Board of Trade, merely that in case any Representations should arrive relative to my Conduct in this Period, that their Lordships may be furnished with the authentic Papers concerning it.

I am with the greatest Respect,
Sir,
Your most obedient and
most humble Servant
Geo. Johnstone.

John Pownall Esqr Secry
to the Rt Honble the Board of Trade.

Endorsed. Copy of a Letter from—Govr Johnstone to Mr—Pownall Secry to the—Lords of Trade, dated—Pensacola Septr 26, 1766.

From Mr. Edmund Rush Wegg.

My Lord,

His Excellency Geo: Johnstone Governor of the Province of West Florida, having some-time since suspended me from the Execution of the Office of His Majesty's Attorney General for that Province, upon the general Charges of Negligence and Incapacity, and it being utterly impossible for me to enter upon the Vindication of my Conduct, without the Knowledge of the particular Causes upon which those general Charges are founded;

I therefore most humbly entreat, your Lordship, to be pleased to order Copies of such Papers as have been transmitted against me, to be delivered to me, in Order that I may be enabled to enter upon my Vindication.

I am, my Lord, with the greatest Respect,
Your Lordships,
most obedient &
most humble Servant
24th Octr 1766. Ed. Rush Wegg.

To the rt honble the Earl of Shelbourne, one of his
Majesty's principal Secretary's of State &c &c &c.

Endorsed. Mr Wegg's Memorial—24 Octr 1766.—(Suspension taken—off by Letter to Govr Eliot.)

Case of Rev. Peter Levrier.

The Case of the Revd Mr Peter Levrier Minister to the Colony of French Protestants settled near Pensacola in West Florida humbly submitted by John Ellis Agent for the sd Province to the Rt Honble the Earl of Shelburne, his Majesty's principal secretary of State.

By an Order of the Rt Honble the Lords of Trade dated the 2d day of July 1765, The Revd Mr Peter Levrier was appointed Minister Pastor and School Master to sixty French Protestant Emigrants to be sent to settle in West Florida for the Culture of Silk and Vines with a Salary of one hundred Pounds for that year, and the like sum yearly while he should continue among them, to be paid by the Agent for West Florida out of the sums granted or as shall hereafter be granted by Parliment for the Encouragemt of beneficial articles of Produce in the said Colony. These 60 French Protestants by the same order were contracted for to be carried there by Lieut Gov. Brown at £7: s7 ꝑ. head, and an Allowance of £3: ꝑ head for Tools and necessaries were order'd to be provided for them and both expences to be paid by the Agent which was accordingly done. And upon their

Arrival in West Florida the Govr was to provide them for 9 Months with provisions after their Landing at 4d ꝑ head ꝑ Day to be drawn for by him on the Agent.

The said Revd Peter Levrier, being indebted to Mr Charlton Palmer in Philpot Lane in the sum of £300 and upwards for money lent him, did on the 11 of July 1765 assign over his said Salary of £100 ꝑ Annum and in order for Mr Palmer to receive it, gave him at the same time an irrevocable power of Attorney, which Mr Palmer has left in Mr Ellis's Hands, Mr Palmer agreeing with Mr Levrier to allow him to receive one whole years Salary to defray his extraordinary Expences to Pensacola. In consequence of this Mr Ellis the Agent paid Mr Levrier 3-4 of a years Salary at 2 different payments or £75. supposing his Years Salary to commence on the 1st of Jany 1765; so that on the 1st of Janry 1766, one quarters Salary or £25 would be due to him, and what became due after was the property of Mr Palmer. But on the 1st of April 1766, Mr Levrier drew a bill of Exchange of £50 from Pensacola in favour of the Revd Thos Wilkinson for half a years Salary as due that day, which Mr Ellis was obliged to suffer to go back protested, as but half, or £25 could be demanded by Mr Levrier, the remaining part belonging by his own assignment to Mr Palmer. Before any advice of the refusal of this bill could reach Pensacola, Mr Levrier not regarding his obligation to Mr Palmer has drawn for another quarters Salary ending the 1 of July 1766 in favour of Sam: Benniworth which Mr Ellis apprehends he cannot pay; as the holder of the first bill of £50 in favour of the Revd Mr Thos Wilkinson is intitled previously to the quarters Salary, which was due the 1st of Janry 1766, and therefore Mr Ellis has refused the acceptance of the last bill of £25, that money properly belonging to Mr Palmer.

The Revd Mr Levrier has further drawn on Mr Ellis the Agent a bill of £17:10 dated 21 June 1766 in favour of Mr John Blommart of Pensacola, who is now here for money borrowed of Mr Blommart to pay the Carriage of the Baggage of the French Protestants from the Transport Ship, up to Pensacola, and also for the carriage of the Provisions allowed the French Protestants by the Rt Honble Board of Trade, which the Govr is to supply them with, up the River to their New Settlements. This Mr Levrier says the Govr has refus'd, as having no Orders to do it. Mr Ellis therefore begs to know, what he is to do in the present case.

Grays Inn October 24, 1766.

Endorsed. The Case of the Revd Peter Levrier—Minister to the French Protestants—Colony settled near Pensacola,—in The Province of West Florida.

INDEX

A

Abekas, 27, 194, 197, 198.
Abekas de l'Est, 26.
Abekoutches, 95.
Abissa, 27.
Abuas, 83.
Active, The, 347, 423.
Adair, Mr., 362, 370.
Adair, Robert, letter of to Gov. Johnstone, 411.
Aeykite, 96.
Affidavit, of Gov. Johnstone, 343, 486; of Robert Collins, 343; of John Smart, 497, 499; of James Bruce, 499, 500.
Agriculture, observation of recommended to officers by Maj. Farmar, 93.
Aird, William, 509.
Akfaches, 95.
Akfeechkoutchis, 95.
Albama, 12, 80, 81.
Albamont. See Albamoux.
Albamoux, 14, 35, 83, 84, 85; orders for English possession of, 57, 194, 197.
Albemarle, Earl of, 111, 154.
Alibamon Mingo, 27, 216, 237, 253, 254; Speech of in Choctaw Congress, 239–241.
Alibamons. See Albamoux.
Alibamont River, 251.
Alibamonts. See Albamoux.
Alleck, Capt., 190, 200, 207, 214; speech of in Creek Congress, 197, 198, 203, 204.
Allemands, les, 269.
Allen, Capt., 154.
Alybamons. See Albamoux.
American Colonies, Commission to treat with, XV.
Amherst, Sir Jeffrey, Commissary, 8, 14, 16, 72, 119, 127, 131, 132, 154.
Amnesty, for Creeks, 211; for Chickasaws and Choctaws, 250.
Amory, Simon, 289, 296.
Anabuy Mantla, 214.
Apalatchikolis, 96.
Aplanche, 64.
Appeal, from jury verdict, 321.
Appleton's Encyclopedia, XII.
Appopaye, 243, 253, 254.
Arbitration, case before Chief Justice Clifton, 324, 325; of Spanish Purchase case, 466; of Indian Purchase case, 477, 479.
Arkansas, The, 267, 275.
Armorer, among Creeks, 193, 203, 208; among Choctaws, 220, 231.
Armstrong, Ensign, 154.
Asenuba Mingo, 238.
Ataches, 95.
Atakabe, 26.
Atchalickpe, 238, 251.
Attestation, record of, 332, 333, 334.
Aubry, Gov., 7 note, 8 note, 35; friendly to Gov. Johnstone, 272; letters of to Gov. Johnstone, 274, 277, 314, 315; in relation to New Orleans, 307; connection of with Gov. Ulloa, 309, 315, 316; letters to from Gov. Johnstone. 310, 311, 316, 318; praised by Gov. Johnstone, 310, 311.
Augusta, Congress at, 195, 198, 201, 202, 207, 246, 511, 520, 512.

Authority of Governor vs. Military, 345, 346, 347, 348, 354, 355, 356, 357, 359, 360, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 384, 385, 386, 392, 393, 394, 395, 396, 397, 398, 401, 402, 407, 410, 417, 439, 443, 444, 445, 450, 475; questions to Council concerning, 365; Gen. Gage's opinions concerning 387–392.
Ayanabe, 27.

B

Baccatane River, 238.
Bacon, Ed., 149, 156.
Balise. See Balize.
Balize, 265, 280.
Bamford, Capt., letters to from Gov. Johnstone, 352, 353, 354, 385, 386.
Barnaby, Admiral Sir William, 189, 190, 257, 285; speech of to Indians, 191, 192; application of for marines, 350; questioned as to Governor's authority, 355, 356, 357.
Barracks, for soldiers of West Florida, 8, 280, 289, 347, 348.
Barrington, Lord, Sec. at War, 139.
Barron, Mr., 515.
Barrow, Robert, 418.
Barrow, William, 380, 508, 509.
Barwick, Nichs, 21.
Baurans, Mr., 23, 25.
Bayne, Capt. William, 10, 11, 139, 143.
Bea, John, 306.
Beacons, at Pensacola, 144.
Beaver Tooth King, The, 210.
Benniworth, Samuel, 306, 508, 509, 534.
Bethune, Lieut., 515.
Betsy, The, 66.
Beyacha, 28.
Biance River, 251.
Bideford, The, V.
Bienville, 6 note, 9 note, 18 note.
Biloxi, 12 note, 13.
Blackmore, Nichos, 22, 68.
Blackwell, Hon. Jacob, 190; at Council, 331, 332.
Blackwell, Montague, 500; testimony of in case of James Bruce, 501, 502.
Blakeny, Capt., 154.
Blamey, Geo., 21.
Blomart, John, 508, 534.
Board of Ordnance, 160, 278, 281.
Board of Trade. See Lords of Trade.
Borgne Lake, 315.
Boucher, James, 422.
Bouksalaya, 27.
Bouktouclouchito, 26.
Bouktoucoulouxy, 28.
Boundaries, between French and English possessions, determined by Definitive Treaty, 61, 77, 82, 85, 226, 232, 233; of Indian lands, 185, 187, 194, 196, 202, 203; of English and Creeks, 204, 205, 207, 208, 213, 529; of lands granted English by Choctaws, 238, 251, 252; of Spanish and English possessions, 312.
Bouquet, Gen., death of, 288, 346, 391, 401, 402, 403.
Bowen, John, 336.
Brazilier, Mr., 315.
Brewer, 7 note.
Brisco, Ensign, 515.
Brodie, Capt., V.
Bromley, Maj. Edward, 300, 340, 360, 372, 454, 515; ordered by Gov. Johnstone to open gates, 426, 453, 455.
Brown, High Rider, 222.

Browne, Surgeon, 366.
Browne, Lieut.-Gov. Montfort, X; 377, 382, 384, 468; letter of, 296–303; censures Gov. Johnstone, 297, 298, 299, 300, 301, 302, 463; refused reception as Lieut.-Gov. by Gov. Johnstone, 302; memorial of, 303; runaway slave of, 316, 317; refusal of to attend Council, 319, 495; connected with land grant affair, 327, 328, 463, 464, 475; blamed by Gov. Johnstone, 340, 341, 418, 456; concerned with necessaries for French emigrants, 344, 461, 462, 463, 464, 465, 533; in Council, 426, 460; refuses opinion of Col. Walsh's behavior, 428; in plot to depose Gov. Johnstone, 459; Gov. Johnstone's report on conduct of, 460–464; favors sending for Lieut.-Col. Maxwell, 460; supports Col. Walsh, 461, 462.
Bruce, Hon. James, 190, 329, 330; collector of customs, 320; appeal of, 321, 323; at Council, 331, 332; letter of to Gov. Johnstone, 336, 337, 504, 505; opinion of concerning Governor's authority, 363, 365, 366; resolution of concerning Col. Walsh, 373; opinion of Chief Justice Clifton's conduct in regard to land grant, 383; case of before Chief Justice Clifton, 469; affidavit of in regard to being prevented from boarding sloop, 499, 500, 502, 503, 504, 505.
Bruce and Gordon, 298.
Buckatanne River, 251.
Buckles, John, 32, 73.
Burke Baronetage, V.
Burke, William, letter to by Gray Cooper, 260.
Burnaby, Sir William. See Barnaby, Sir William.
Burt, Edward, 32, 73.
Burton, 451.
Bute, Lord, VI.
Butler, Matthew, 337, 458, 459.
Byres, 451.

C

Cadillac, Gov., 12.
Cæsar, 456.
Caminade, Francois, 151, 255; letters of to Lord Halifax, 178–183, 284, 287; appointed member of Council, 255.
Campeachy Bay, 501.
Campbell, Commissary, 8.
Campbell, Lieut., 154, 263, 513, 515.
Campbell, Capt. James, re fort at Point Iberville, 261, 262, 271, 281; letter from to Gov. Johnstone, 266–268, 282.
Captain of Yannabie, 528.
Carket, Capt., 423.
Carleton, Lieut., 515.
Carlisle, Earl of, XI, XII.
Carson, Corporal, 68.
Caskett, Capt., 347.
Cassaba, 213.
Casstaches, 27.
Catholics, Roman, 269.
Cavendish, 128, 131.
Ceneacha, 236.
Cent Ibouc, 238, 252.
Cession, of West Florida, 9, 10, 130; of Mobile, text of, 76–79; of Tombekbe Post, text of, 97–100; of Louisiana, arrangements for, 135.
Cession of New Orleans to Spain, 151, 153, 266, 272; of lands to English by Choctaws, 238, 239, 240, 244, 248.
Chabart, Capt. Pirre, delivers Tombekbe Post to English, 97, 100.
Chactamatoha Chito, 243.
Chactas. See Choctaws.
Chactaw Hatche River, 513.
Chactaws. See Choctaws.
Chalakagay, 96.

Chaouaklè, 96.
Chaouanons, 96.
Chaoukatchis, 95.
Charge, of Gov. Johnstone against Chief Justice Clifton, 322–330, 344.
Charles V, 8 note.
Charles Bay, 146.
Charlestown, 206, 527.
Checko Oulacta, 253.
Cherokee River, 200.
Cherokees, 187, 205, 206, 512, 527.
Chichatalya, 26.
Chickasaws, XIII, 39, 219, 222, 227, 511, 512, 522; in West Florida, 150; Congress with, 184, 215–255.
Chickianoce River, 251.
Chiscatalopha, 513.
Choctaws, IX, 6, 7, 17, 24, 32, 35, 39, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93; strength of near Fort Tombekbe, 14, 23; German among, 24, villages, chiefs and inhabitants of, 26, 28; presents to by French, 28, 29, 140, 150; Council with by Maj. Farmar and M. Dabbadie, 83–91; Congress with, 184, 186, 215–255; boundaries of, 185, 238, 251, 252; hatred of toward English, 185, waging war, 516, 522, 527, 529.
Chokoulacta, 253.
Choothlo, 96.
Choothlotchy, 96.
Choumontakale, 27.
Chuashas, 83.
Chucka Taha, 253.
Chulustamastabe, 216, 246, 247, 253; speech of in Choctaw Congress, 224, 225, 243–245; in name ceremony, 243.
Citchitchapas, 95.
Civil authority vs. Military, 395, 396, 411, 412, also see authority of Governor vs. Military.
Clark, Daniel, 304.
Clarke, Mr., 301.
Clifton, Chief Justice, VII, 190, 300, 301, 305, 347, 377, 424; quarrel of with Gov. Johnstone, 301, 320, 321, 322, 332, 445, 465, 466, 467, 468; suspension of, 319, 320; charge against by Gov. Johnstone, 322–330, 344, 445, 468–477; connection of with case of robbery of Indians, 323, 469, 496; connection of with case of John Davenant, 323, 470, 480; on Governor's personal restraint, 324, 470; on law of public whipping, 324, 471; in arbitration case, 324, 325, 466, 471; in trials of Painter and Thackery, 325, 472, 482, 483, in murder case of Robert Harley, 325, 471; in discharge of Lieut.-Col. Walsh, 325, 326, 327, 430, 431, 472, 473, 474; in case of Hannay vs. Macfaddin, 327, 474; charged with detaining Governor's warrant, 327, 475, 489; charged with accusing Governor of lying and forgery in case of land grant, 328, 475; charged with debasing authority of Governor, 328, 475, 476; in case of James Bruce vs. James Noble, 329, 330, 469; refuses to take seat in Council, 330, 331, 468; resigns seat in Council, 331, 467, 495, 496; summoned to appear before Council, 333; complaint against by James Bruce, 336, 337; complaint against by Gov. Johnstone, 337, 338, 465–468; opinion of power to imprison, 349, 447; opinion of concerning Governor's authority, 362, 363, 364, 367, 368, 369, 447, 448; resolution of regarding Governor's authority, 372, 373; opinion of regarding Lieut.-Col. Walsh's arrest, 373, 374, 428, 446, 447, 448, 486; differs with Governor in land grant case, 378, 379, 382, 418, 464, 466; complained of by Lieut. Alexander Maclellan in land grant case, 380, 381, 382; in Council, 426; in plot to depose Gov. Johnstone, 459; accused of being ignorant of law, 465; cause of opposition to Gov. Johnstone, 466, 467; arbitrator in Indian Purchase case, 477, 478, 479; letter from to Gov. Johnstone, 479; complaint against by James Johnstone, 489, 490; letter from to E. R. Wegg, 507.
Clinton, A., 401.
Clothing, needed by Indians, 204.
Cock Diggory, 482.

Cockbourne, Lieut. James, statement of re. Capt. Simpson, 354, 355.
Cockermouth borough, XI.
Colbert, James, 222.
Colden, Lieut.-Gov., 361.
Collier, Dept. Chaplain, 515.
Collins, Robert, 343, 456; testifies concerning land fees, 379, 380; deposition of regarding design to depose Gov. Johnstone, 458–460.
Colonial Council, VII.
Colonial Mobile, XIII.
Colonies, 94.
Commerce. See Trade.
Commissaries, among Creeks, 193, 196, 203, 208; among Chickasaws and Choctaws, 220, 232, 252; among Indians, 296.
Commission, to treat with American Colonies, XI; of Gov. Johnstone, 158, 159.
Comyns, Valens Stephen, 509.
Conchabouloukta, 27.
Conchaes, 27.
Conchaktekpe, 26.
Conchas, 94.
Conchatys, 94.
Conchus, 95.
Congress, American Colonial, XI, XII; with Indians, IX, 10, 12, 174, 175, 179, 184, 186, 188; at Mobile, 186, 215–255, 349; at Pensacola, 188–210, 511; at Augusta, 195, 198, 201, 202, 207, 511; at St. Augustine, 203, 209.
Conner, James, 521.
Convention, between French and English regarding Indians, 84, 85, 86, 87, 88, 89, 90, 91.
Conway, Sec. H. S., letter from to Gov. Johnstone, 259, 260, 295, 296; letters to from Gov. Johnstone, 290, 291, 292, 418, 462.
Cooper, Grey, letter of to William Burke, 260.
Coosa, 12 note.
Coosna, Nealatko, 214.
Cornish, Lieut., 515.
Cornwallis, Capt., in interference case of James Bruce, 499, 500, 502, 503, 504.
Council, of Gov. Johnstone, resolution of, 297, 298; in case of Lieut.-Col. Walsh 297, 298, 300; subservient to Gov. Johnstone, 301, 305; concerning Lieut.-Gov. Browne and Chief Justice Clifton, 319, 320, 321; not entitled to protection from civil persecution, 328; authority of, 328; minutes of, 331, 332, 332–335, 348–384, 426–428; informed of quarrel between Gov. Johnstone and Chief Justice Clifton, 332; resolution of concerning Chief Justice Clifton, 335; opinion of Governor's authority, 350, 354, 355, 357, 365; letter of to Lieut.-Col. Walsh, 360; resolution of concerning Lieut.-Col. Walsh, 374, 376, 428; resolution of in regard to taking up lands, 378; resolution of regarding Chief Justice Clifton's actions in land grant controversy, 383; resolution concerning Lieut.-Col. Maxwell, 438; authority of, 476, 477.
Court Martial, 288, 296; of Lieut.-Col. Walsh, 298, 340, 413.
Court Proceedings, record of, 482, 485.
Cowen, Lieut., 502.
Cowetas, 194.
Cox, William, 508.
Creeks, IX, XIII, 6, 7, 12, 17, 522; appealed to by Maj. Farmar, 18; addressed by Maj. Farmar, 80, 81; villages and population of, 94–97; at Pensacola, 114, 142; in West Florida, 150; Congress with, 187, 188–210, 184; boundary of, 185, 187, 196, 202, 213; hostility of, 185, 511; treaty with, 211–215, murders by, 511, 524, 525; proposed campaign against, 512, 513, 514; waging war, 516, 522, 529; talk to by Col. Taylor, 518, 519; address to by Governor Johnstone, 523–526; answer of to Gov. Johnstone, 526, 531.
Criminals, not to be harbored by Indians nor English, 193, 196, 212, 250, 251; in jail of Pensacola, 294.
Crofton, Lieut., 492.
Cromwell, 440.
Crookshanks, Capt. John, V.

Croyer, John, 306.
Crozer, John, 508, 509.
Crutchfield, Lieut., 154, 350, 351.
Cumberland, William, Duke of, 466.
Cunningham, Lieut., 515.

D

Dabbadie, M., 6, 16, 17, 34, 81, 97, 147 note; letter from to Maj. Farmar, 34, 35; letter to from Maj. Farmar, 36, 37; succeeds Kerlerec, 55, 56, 57, 58; orders of at Mobile, 77; council of with Choctaws, 83–91; harangue of to Indian nations, 84, 93; connection of with inhabitants of Point Coupee, 267; friendship of for Gov. Johnstone, 272, 272; death of, 272, 275.
Dalrymple, Ensign, 515.
Dartmouth, 343.
Dauphine Island. See Isle Dauphine.
Davenant, John, 323, 470; attack upon, 480.
Davis, John, 497.
Davis, Stephen, 67.
Dawson, Rev. William, letter to from Gov. Johnstone, 318, 319; petitions Gov. Johnstone for permission to return to Carolina, 318, 319.
Dee, Charlotte, XII.
Definitive Treaty, 55, 57, 59, 83, 127, 129, 130, 135, 147, 148; terms of, 61, 77, 148.
Delavalle, Lieut., 154.
Demorsier, Hon. Francis, 216.
Dennis, James, 68.
Depart, Mr., 267.
Deposing of Gov. Johnson. See Plot,
Deputations, 169. Remonstrance and Memorial.
Deserters, 186, 187, 193, 316, 317, 318, 511; mutual surrender of by French and English, 315, 316, 317.
Develle, Capt. Pierre Nicolos Annibel Chevalier, 6; Lieut.-Gov., 10, 40; allowance of, 30; letters to from Maj. Farmar, 33, 58, 59; letter from to Maj. Farmar 34; receives orders from Kerlerec, 55, 77.
Devols landlord, 210.
DeWit, 310.
Dispute. See Quarrel.
Dobbins, John, 482.
Dod, Lieut., 500, 501, 502; testimony of in case of James Bruce, 503, 504.
Dogherty, Cornelius, 516, 529.
Doig, Mr., 521.
D'Oily, C., letter to from Edward Sedgwick, 5, 399.
Downman, Lieut., quarrel of with Gov. Johnstone, 353, 386, 389; arrested, 354.
Dubroca, Volentine, storekeeper at Tombekbe Post, 97, 100.
Dunbar, Mr., 71.
Dundas, Capt., 291.
Durnford, Hon. Elias, 190, 278, 282, 421, 427, 453; concerning expense of fort at Point Iberville, 261, 281; resigns seat in Council, 322; in Council, 331, 426; opinion of power of imprisonment, 349; opinion of Governor's authority, 357, 363, 366, 367; testifies concerning conduct of Lieut.-Col. Walsh, 361, 362, 376, 428; opinion of Chief Justice Clifton's action in land grant case, 383; ordered to Escambe river, 441, 442.
Dyson, J., 156.

E

East Florida, VI; disadvantages of, X.
East India, XII.
Ebitipougoulachito, 26.
Ebitipoulaskalamis, 26.

Edward, Duke of York, 466, 478.
Effa Adjo, 214.
Effalaskina, 214.
Effa Mico, 214.
Egerton, Lieut., 515.
Egremont, Lord, letter from to Commanding Officer of country ceded by France, 131, 132; letters to from Maj. Farmar, 137–139, 144, 510.
Electoral Minister, 151.
Eliot, Ed., 149, 343.
Ellis, Gov., 510.
Ellis, John, 533, 534.
Ellis, Hon. Welbor, Sec. at War, 17, 117, 123, 307, 344, 462, 465; letter from to Gov. Johnstone, 399, 400.
Ellistrum, James, 497, 498, 508.
Emigrants, articles for, 461, 462, 463; in West Florida, 533.
Emigration, from New Orleans, 257, 269, 271; of foreigners to West Florida, 260, 281, 282; French, 344, 441, 462.
Emistisiguo, 190, 199, 200, 207, 210, 214; speech of in Creek Congress, 198, 200, 201, 202, addressed by Gov. Johnstone, 524; reply of to Gov. Johnstone, 528.
Encyclopedia of Mississippi History, 233.
English Dominion, 5.
English treatment of Indians, 88, 89, 92, 93.
Eouanne, 28.
Equipment, poor, in Colony, 118.
Escambe River, 441, 497.
Estates at Mobile, selling of, 148.
Eunuchs, 238.
Evacuation, of Louisiana posts, orders for, 57, 58.
Expense of Pensacola, 257, 258; of fort at Point Iberville, 260, 261, 270, 272, 278; of Gov. Johnstone, limited, 278; of administering law, 294.

F

Faikney, James, 508.
Fairfax, Lord, 5 and note.
Fannimingo Bouktoukkoulou, 153.
Fanny, The, 418.
Farmar, Capt. John, 10, 24, 25, 32, 73; in charge of stores for Mobile, 59; letter of to Maj.-Gen. Keppel, 111, 112.
Farmar, Maj. Robert, VII, IX; list of papers of sent to Sec. at War, 6, 7; letter from to Sec. at War, 7–17; biography of 7 note, 8 note; officers appointed by at Pensacola, 16; instructions of to James Germany, 18; report of State of Fort Charlotte, 19, 20; articles received by from storekeeper at Mobile, 20, 22; letter to from Lieut. Thos. Ford, 22–25; villages, chiefs and inhabitants of Choctaw Nation reported by, 26–28; list of French presents to Indians, 28, 29; revenue of Louisiana and appointments under French, 30; produce of country, 31; names of staff officers nominated by, 32, 73; letter of to M. Develle, 33; letter to from M. Develle, 34; letter from to M. Dabbadie, 36, 37; letter to from Lieut. Forde, 37–39; letter to from M. Kerlerec, 39, 40; effects of French at Mobile reported by, 4–54; letter to from M. Kerlerec, 54–58; letter from to M. Develle, 58, 59; manifesto of at Mobile, 60–63; list of appointments, etc., needed at Mobile, 64, 65; contingent account of, 65–74; commander of Mobile, 77; harangue of to Creek Indians, 80, 81; speech of to Indians at Albama, 81–83; Council of with Choctaws, 83–91; harangue of to Indians, 84–93; proposed appointments of at Mobile, 91, 92, 140; instructions of to officers of posts in La., 92–94; appoints Thos. Ford to receive Tombekbe Post, 97, 99, 103; list of ordnance and stores issued by from Fort Charlotte, 100, 102; stores received by at Fort Charlotte, 104, 107; list given by of stores needed at Fort Charlotte, 107–109; list of 22d regiment, 110; list of ordnance in Fort Charlotte, 110, 111; letters of to Sec. at War on bad conditions at Mobile, 115, 116, 117; letter of to Sec. at War regarding troops, 118, 120, 121, 124, 125 and note; letter to from Gen. Keppel, 128, 129; letter from to Lord Egremont, 137–139, 144; sends folios to Sec. at War, 139; connection of with fort at Point Iberville, 261, 263, 266, 267; quarre lof with Gov. Johnstone, 292 and note; 386, 402, 456.

Farquharson, Lieut. Robert, 154.
Favre, Mr., 90, 304.
Fazend, Mr., 40.
Fees. See Tax.
Ferry, 203, 204, 207.
Fezende, Rene John Gabriel, Commander at Mobile, 77.
Flannegan, Dennis, 68.
Fletchers, Lieut.-Col., 154.
Floridas, ceded to England, X; east and west, 146, 147.
Folios, list of sent to Sec. at War, 139–141.
Fontainbleau, treaty of, 55.
Fontenelle, Surgeon, 352.
Forbes, Maj. Willsom, report of on Pensacola, 112–114; letter from to Sec. of State, 141–143, 154, 171, 291.
Force. See Troops.
Ford, Lieut. Thos., 6; letters from to Maj. Farmar, 22–25, 37–39; appointed to receive Tombekbe Post, 97, 99, 103, 140.
Forsey and Cunningham, 321.
Fort Bute, IX, 262 note, 282, 358.
Fort Charlotte, 6, 7; conditions at, 19, 20; ordnance and stores issued from, 100, 103; ordnance and stores received at, 104, 107; ordnance and stores needed at, 107–110, 139; ordnance in, 110.
Fort Choiseul, French name for Fort Tombekbe, 98 and note.
Fort Conde, 19, 55; removal of artillery from, 55.
Fort Jackson, 18 note.
Fort Natches, 266.
Fort Panmure, 9 note.
Fort Picolata, 174.
Fort Rosalie, 56 note.
Fort St. Augustin, 127, 128, 130; taken possession of by English, 132.
Fort St. Miguel de Pensacola, 130.
Fort Tombekbe, 6 and note, 7, 238; military situation at, 12, 37, 38, 39, 138; fortifications of, 22, 23; need of provisions of, 23, 24; delivered to English, 97-100; description of, 98; barracks of, 98, 99; shed of, 99; powder, magazine of, 99; cannon and ammunition at, 103, 104.
Fort Toulouse, 12 note, 18 note.
Fort York, 12.
Foster, Sir, 371, 372.
Foucault, Mr., 317.
Fouchat, chis et touches, 94.
Francis I, 8 note.
Frank, Casper, 508.
Frank, Cooper, 306.
French, treatment of Indians, 11, 13, 35, 86, 87, 88, 89, 184; at Mobile, 24, 25, 42–54; presents to Indians, list of, 28, 29, 35, 39, 187; revenue of La. and appointments under, 30; necessity of good feeling with Great Britain, 39, 40, 57; effects of at Mobile, 42–54; concerning taking oath of allegiance to Great Britain, 63; list of taking oath of allegiance, 121, 122; refugees, 302.
Furze, Thomas, 67.

G

Gage, Gen. Thomas, opposition of to Gov. Johnstone, VII; 110, 111, 128, 131, 146, 147, 154, 158, 160, 161, 172, 176, 185, 188, 262, 278, 291, 295, 298, 299, 301, 326, 340, 345, 346, 347, 348, 351, 361, 362, 365, 369, 370, 398, 401, 402, 410, 429, 434, 437, 473; reproof of in case of Gov. Johnstone vs. officers, 339; rebukes Lieut.-Col. Wedderburne, 339, 340, 436, 440; letter to from Gov. Johnstone, 384–387; letter from to Capt. Simpson, 387–392, 437, 439; letter from to Col. Wedderburne, 392–395; instructions of to officers, 387–392, 437, 438, 439.

Gardens, regimental, 357, 358.
Gascoyne, Bamber, 149, 156.
General Orders, for troops, 394.
Geneva, 151.
Germaine, Sir George, XI.
German, among the Choctaws, 24.
Germans, at New Orleans, 151 and note.
Germany, James, 18, 32, 520, 521.
Gondel, M., 15.
Goods, rates of with Creeks, 215; advantages of English, 221, 245; for Chickasaws and Choctaws, 250, 252, schedule of rates with Chickasaws and Choctaws, 253, 254.
Gordon, Chaplain, 515.
Gordon, Arthur, 210, 214, 253, 254, 333, 481; appointed Atty.-Gen., 295, 298, 299; testimony of in case of Thackery and Painter, 334, 335; deposition of in case of Indian, 496.
Gore, Thomas, 399.
Graham, Mr., 521.
Grampus, 152.
Grand Jury, at Pensacola, 417, 448, 508, 509.
Grant, Col. James, appointed Governor East Florida, V; 159, 407.
Grant, Gov. John, 174 note; letter of to Mr. Stuart, 174–176.
Graves, Gov., 157.
Gravesend, 461.
Gray, Mr., 511.
Great Britain, necessity of good feeling with France, 39, 40, 57; treaty of with French, 55.
Great Tallasey, 526.
Gredenigo, John, 306, 508.
Green, Ensign, 515.
Gregory, Thomas, 482.
Griffiths, Lieut. John, 120.
Gross Point, 251.
Gually, Capt., 157.
Gun merchant, 210.

H

Habeas Corpus, for Lieut.-Col. Walsh, 486, 487, 488, 489, for Macfaddin and return, 493, 494.
Haldiman, 451.
Halifax, Lord, letters from to Gov. Johnstone, 145, 147–149, 151, 172–174, 176, 176–177, 349; letters to from Gov. Johnstone, 145, 146, 152, 153, 255, 256, 257, 258, 288–290; letter from to Lords of Trade, 146, 147; letters to from Lords of Trade, 155, 156, 167; letter to from Francois Caminade, 178–183, 284–287; resignation of, 290; letter from to Surgeon Lorimer, 399, 344, 352, 363, 369, 384, 387, 396, 510.
Hall, Tilner, 117.
Hamilton, XIII.
Hamilton, Capt., 515.
Hannah, Mr., 490.
Hannah, The, 106.
Hannay, John, 289; nominated Provost Marshal, 296, 513; complainant vs. Macfaddin, 327, 448, 474, 492, 493, in Council, 331, 332, 426; opinion of concerning Governor's authority, 364, 370, 371, 372, 449; opinion of Chief Justice Clifton's action in land grant matter, 383; testimony of concerning Sergeant Macfaddin and Lieut.-Col. Walsh, 492, 493.
Harangue, of Maj. Farmar to Creek Indians, 80, 81; to the Indian nations, 84–93.
Hardy, T., deputy clerk, 333, 337, 430, 484; examination of before Council, 333, 334.
Harley, Robert, 294, 325, 471.
Harris, James, testimony of in case of James Bruce, 500, 501, 502, 503.

Hart, Rev. Mr., 216.
Havana, 114.
Health conditions, 169 and note.
Hedges, Capt. John, 127; letter of to Sec. at War, 132.
Henry, Lieut. John, 21, 32, 73.
Hesse, John F., 399.
Hillabe Tastanake, 214.
Hillibie Warriour Wakakoys, 526.
Hillsborough, 149, 156.
Hilton, Lieut. Lancelot, 32, 72, 73.
Hind, The, V.
Hoboyie Hajou, 526, 528.
Hord, Ensign, 515.
Horsefall, 324, 471, 479.
Horse theft, bad example of, 337.
Hospital, needed at Pensacola, 258, 289.
Houma, Capt., 254.
Howe, XII.
Hudibras, 347.
Humphries, Mrs., 360.
Hyam, Mr., 453.

I

Iberville, 17 note, 267; Germans and French at, 268.
Iberville River, 13, 61, 82, 85, 117, 232, navigation of, 260, 263 and note, 265, 266, 267, 272, 273, 278, 279, 281, 287.
Ichacto Nation. See Choctaws.
Iffa Tuskena, 526.
Illinois, products of, 31; concerning possession of, 56, 57, 275, 309; trade of, 168; troops to, 124, 125, 233, 234, 262, 265, 271.
Illipatapo, 253.
Immongoulacha, 27, 245.
Immongoulachaskatanne, 26.
Imonglatcha, 236, 237.
Imongulacha, 240.
Indian names given Englishmen, 243 and note.
Indian Purchase case, 477–479.
Indians, fear of, 17, 39, 150, 169, 184, 185; Tchactas, 26–28, see Choctaws. Allowances by French, 30, 35, 150; assembly of at Mobile, 35; friendly relations with desired, 59, 87, 188, 282; speech to Albamas by Maj. Farmar, 81–83; at Pensacola, 113, 137, 152; at Mobile, 115, 116; concerning troops passing up Mississippi River to Illinois, 124, 125, 275; presents to, 28, 29, 35, 39, 157, 175, 187, 227, 229, 241, 242, 246, 279, 511, 512, 523; trade with, 168; Congress with, 188–255; restraint of liquor for, 348, 349, 481; murders by, 511, 516, 517, 520, 521, 524; contempt of for English, 511; war among, 516, 527, 528, 529; also see Creeks, Choctaws and Chickasaws.
Indians, West Florida, goods for, 8, 10, 11; treatment of by French, 11; Congress with IX, 10, 12, 174, 175, 181, 184; threatening, 118, 185, 369, 373, 419, 433, 453.
Industry, The, 66.
Information of country, required from officers by Maj. Farmar, 93.
Ingulacta, 239.
Innis, Capt. Lieut., 515.
Instructions, to officers, by Maj. Farmar, 92–94.
Irving, Mr., 71.
Isle Dauphine, 17, 64, 138, 282, 463.
Issassi, Col., 151.
Itobay, 214.

J

Jackson, Andrew, IX.
Jalapouces, 14.
Jamaica, 7, 113, 129, 512; stores from for Fort Charlotte, 104.
James, The, 304.
James, Edwd., 68.
Jealousy, of officials, 456.
Jenyns, Soame, 149.
Jesus Nazarina, The, 505.
Jetherell, Lieut., 154.
Johnson, Sir William, 147.
Johnston, Major, 111.
Johnstone, George, Gov. Province West Florida, V–XIII, 5 and note; family history and early career of, V: characteristics of, V, VI, VII, VIII, XI, XIII: appointed Gov. West Florida, VI; quarrels of with officials, VII, 154 and note, 177, 291, 292, 295, 297, 298, 301, 338, 342, 343, 345, 346, 509, 510; erects Fort Bute, IX; congresses of with Indians, IX, 188–255; internal policies of, IX, X, XIII, sent to Parliament, XI, XII; member of Commission to treat with American Colonies, XI, XII; promotion of, XII, acquaintance of with East Indian affairs, XII; death of, XII; enmity of toward Maj. Farmar, 7 note; letter of to Sec. at War, on insufficiency of forces and equipment, 117–118; concerning arrival of in Colony, 120; letters to from Lord Halifax 145, 151, 172-174, 176, 177; letters from to Lord Halifax 145, 146, 152, 153, 255–256, 258, 288–290; memorial of to Board of Trade, 149, 150; letters from to John Pownal, 156–158, 167–170, 171, 271–273, 278–280, 306–307, 319–322, 337–338, 343, 344, 442–444, 451, 457–458, 531, 532; quarrel of with Capt. Mackinnen, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166; letters of to Capt. MacKinnen, 158–161, 162, 164, 165; letters to from Capt. MacKinnen, 162–164, 165, 166; instructed as to powers of Governors, 173; endorsed by M. Chaminade, 179, 285; letter of to John Stuart, 184–188; holds Congress with Creeks, 188–210, 190, 201, 204, 206, 207, 210, 259; speech of to Creeks, 192–194, 205, 206, 207; treaty of with Creeks, 211–215, 214; Congress of with Choctaws, 215–255, 216, 224, 242, 248, 249; speech of to Choctaws, 216, 224; treaty of with Chickasaws and Choctaws, 249–255, 259; letters to from H. S. Conway, 259, 295, 296; connection of with fort at Point Iberville, 260, 261, 262, 263; letter of to Sir John Lindsay, 263, 264; letter to from Sir John Lindsay, 265, 266; letter to from Capt. James Campbell, 266–268; letter to from Lieut. Maclellan, 268, 269; letter to from John Pownal, 269, 270; letters to from M. Aubry, 274–277, 314, 315; letter from to Engineer Robertson, 280–283; suspends Atty. Wegg, 292, 294, 295, 301, 305, 341, 344, 348, 506, 507, 532; conduct of censured by Lieut. Gov. Browne, 297, 298, 299, 300, 301, 302, 463; asks court martial for Lieut.-Col. Walsh, 298, 299; quarrels with Lieut.-Col. Walsh, 298, 299, 300; quarrels with Chief Justice Clifton, 301, 320, 321, 322, 332, 418; refuses to receive Lieut. Gov. Browne, 302; memorialized against by people of Province, 303–306; refuses to confirm French lands, 303; sits as Judge of Admiralty, 304; seizes ships, 304; imprisons M. Favre, 304; refuses land grant to James Noble, 304; acts arbitrarily, 305, 306; letter to from Gov. Ulloa, 311–313, 316; expresses good will toward Gov. Ulloa, 312; letter from to Rev. Wm. Dawson, 318, 319; suspends Chief Justice Clifton, 319, 320; charge of against Chief Justice Clifton, 322, 330, 344, 445, 468–477; in Council at Pensacola, 331, 332; refuses Chief Justice Clifton's resignation, 331; letter of to Chief Justice Clifton, 333, 477–479; letter to from James Bruce, 336, 337; specifications of dispute for and against, 338–341; design to depose, 341, 455, 456, 458; quarrel of with Capt. Simpson, 343; affidavit of concerning Lieut.-Col. Walsh, 343, 486; letter from to Sec. of Lords of Trade, 344–348; argues his rights as Governor vs. the Military, 345, 346, 347, 348, 374, 384, 385, 386, 401, 439, 440, 443, 444, 445, 447, 448, 450, 451; lays before Council regulations on liquor, 348, 349; opinion of power to imprison, 349; places before Council letters, 349; tells Council steps taken with Military, 350; letters from to Capt. Andrew Simpson, 351; arrests Capt. Simpson, 352; letter from to Capt. Bamford, 352, 353; arrests Lieut. Downman, 354; asks Council concerning relief of troops, 358; informs Council of forcible entry of military, 358, 359; questions Council on Governor's authority, 365; resolution

of offered Council for return of Lieut.-Col. Maxwell to Mobile, 377; differences of with Chief Justice Clifton in land grant case, 378, 379, 382, 418; letter from to Gen. Gage, 384, 387, 405, 408, 413, 415; orders of for garrison of Pensacola, 396–398; instructed in regard to return of troops, 399, 400; letters from to Lieut.-Col. Walsh, 401–403, 404, 408, 409, 410, 412, 440, 441; asks opinion of Atty.-Gen. Wegg as to action of military force, 411; letters from to Board of Trade, 417–419, 455–457, 460–464; quarrel of with Lieut.-Gov. Browne, 418; request of to main guard, 421; letters from to Lieut.-Col. Maxwell, 419, 420, 423, 432, 433, 434, 435, 438–441; affidavit of against Lieut.-Col. Walsh, 424; warrant of for arrest of Lieut.-Col. Walsh, 425; order of Maj. Edward Bromley, 426; informs Council of Col. Walsh's conduct and arrest, 427, 428; letters to from Col. Maxwell, 432, 435, 436, 437, 438; letters to from Col. Walsh, 405, 409, 410, 442; deposition of against Col. Walsh, 452–455; complains of Chief Justice Clifton, 465–468; arbitrator in Indian Purchase case, 477, 478; proclamation of, prohibiting sale of liquor to Indians, 481, 482; letter of to Provost Marshal General, 485; report of to Sec. Conway, 511–516; papers sent by to Board of Trade, 518; protests to Col. Taylor against sending troops to Natchez, 519, 520; address of to Creeks, 523–526.

Johnstone, Sir James, V.

Johnstone, James, Provost Marshal General, 300, 425, 431, 487, 502; deposition of against Col. Walsh, 486, 487; complaint of against Chief Justice Clifton, 489, 490; certificate of concerning Sergeant Macfaddin, 494.

Johnstone, John Lowther, XII.

Jones, Mr., 307, 316.

Jones Bluff, 6 note.

Josephson, Manuel, 508.

K

Kachetas, 96.

Kalalekis, 95.

Kanaat Kes at Couchus, 94.

Kaouitas, 96.

Kasatalaya, 27.

Kashetas, 83.

Kawitas, 83.

Kendrick, Sergeant Will, 32.

Kennion, John, 324, 471, 477, 478, 479.

Keppel, Maj. Gen., letter to from Capt. Farmar, 111, 112; letter from to Maj. Ogilvie, 127, 128, 132; letter from to Maj. Farmar, 128, 129, 138; letter from to Col. Provost, 130, 131, 136; letter to from the Duc de Choiseul, 135, 154, 155.

Keppel, Admiral Augustus Viscount, 10 and note, 113, 142.

Kepple, XII.

Kerlerec, M., 6, 9, 10, 16, 34; letters of to Maj. Farmar, 39, 40, 54–58; connection of with delivery of La. Cession, 58, 59; orders of to commanders at Mobile, 77.

Kowitas. See Kawitas.

L

Lagautraye, M., 275.

Lahonkoolacta, 26.

Lamatly mingo, 28.

Lands, at Mobile, 148; Indian, 194, 202; granted by Creeks to English, 204, 205, 207, 208, 529; boundary of Creek, 213; settlements in Indian, 222; granted by Choctaws to English, 223, 234, 235, 238, 239, 240, 241, 242, 249; promised to settlers, 282; received from French not confirmed, 303; petition concerning fees, 378, 379, 380; grants controversy on before Council, 380, 381, 382, 418, 463, 464, 466, 475.

Law, enforcement of necessary, 465.

Lawson, Robt., 68.

Le Loupe, 189 note.

Lennox, Sir John, VI, XI, XIII, XVII.

Letters—
From Maj. Farmar to Sec. at War, concerning conditions in Pensacola, 7–17.
From Lieut. Thos. Ford to Maj. Farmar, concerning conditions at Tombekbe Fort, 22–25.
From Maj. Farmar to M. Develle, concerning taking possession of La. Cession, 33.
From M. Develle to Maj. Farmar in regard to postponing his departure to Mobile, 34.
From M. Dabbadie to Maj. Farmar in regard to delivery of Mobile, 34, 35.
From Maj. Farmar to M. Dabbadie, complaining of his acts, 36, 37.
From Lieut. Ford to Maj. Farmar in regard to fortification of Tombekbe Fort, 37–39.
From M. Kerlerec to Maj. Farmar, concerning necessity of good feeling, 39, 40.
From M. Kerlerec to Maj. Farmar, in regard to Capt. Lindsay taking possession of Mobile, 54–58.
From Maj. Farmar to M. Develle, concerning delivery of military stores, 58, 59.
From Capt. John Farmar to Maj. Gen. Keppel in regard to accounts, 111, 112.
From Maj. Farmar to Sec. at War, in regard to Indians at Mobile, 116, 117.
From Gov. Johnstone to Sec. at War in regards to insufficiency of force and equipment, 117, 118.
From Maj. Farmar to Sec. at War on insufficiency of troops, 118, 120, 121.
From Capt. Ro. Mackinen to Sec. at War, 123.
From Engineer Robertson to Capt. Mackinen, 123, 124.
From Gen. Keppel to Maj. Ogilvie, 127, 128.
From Gen. Keppel to Maj. Farmar, 128, 129.
From Gen. Keppel to Col. Prevost, 130, 131.
From Lord Egremont to Commanding Officer at Mobile, 131, 132.
From Capt. John Hedges to Sec. at War, 132.
From Duc de Choiseul to Gov. Kerlerec, 135.
From Lieut.-Col. Prevost to Sec. at War, 136, 137.
From Maj. Farmar to Lord Egremont, 137, 139.
From Maj. Forbes to Secretary of State, 141–143.
From Lord Halifax to Gov. Johnstone, 145, 147–149, 151, 172–174, 176, 177.
From Gov. Johnstone to Lord Halifax, 145, 146, 152, 153, 255, 256–258, 288, 290.
From Edward Sedgwick to Sec. Pownal, 147.
From Lords of Trade to Lord Halifax, 155, 156, 167.
From Gov. Johnstone to John Pownal, 156–158, 167–170, 171, 271–273, 278–280, 306, 307, 337, 338, 442–444, 444–451, 457, 458, 531, 532.
From Gov. Johnstone to Capt. Mackinen, 158–161, 162, 164, 165.
From Capt. Mackinen to Gov. Johnstone, 162, 162–164, 165, 166.
From Gov. John Grant to Mr. Stuart, 174–176.
From Francois Caminade to Lord Halifax, 178–183, 284–287.
From Gov. Johnstone to John Stuart, 184–188.
From H. S. Conway to Gov. Johnstone, 259, 295, 296.
From Gov. Johnstone to Sir John Lindsay, 263, 264.
From Sir John Lindsay to Gov. Johnstone, 265, 266.
From Capt. Campbell to Gov. Johnstone, 266–268.
From Lieut. Maclellan to Gov. Johnstone, 268, 269.
From John Pownal to Gov. Johnstone, 269, 270, 319–322.
From M. Aubry, to Gov. Johnstone, 274–277, 314, 315.
From Gov. Johnstone to Engineer Robertson, 280–283.
From Gov. Johnstone to Sec. Conway, 290, 291, 292, 293–295, 509, 510.
From Lieut.-Gov. Montfort Browne to 296–303.
From Gov. Ulloa to Gov. Johnstone, 308–310.
From Gov. Johnstone to M. Aubry, 310, 311, 316–318.
From Gov. Johnstone to Gov. Ulloa, 311–313, 316.
From Gov. Johnstone to Rev. Wm. Dawson, 318, 319.
From Gov. Johnstone to Chief Justice Clifton, 333, 477–479.
From James Bruce to Gov. Johnstone, 336, 337, 504, 505.
From Board of Trade to King, 342, 343.
From Gov. Johnstone to Sec. Lords of Trade, 344–348.
From Gov. Johnstone to Capt. Andrew Simpson, 351.
From Gov. Johnstone to Capt. Bamford, 352, 353.

Letters—
  From Council to Lieut.-Col. Walsh, 360.
  From Gov. Johnstone to Gen. Gage, 384–387, 405–408, 413,–415.
  From Gen. Gage to Capt. Simpson, 387–392.
  From Gen. Gage to Col. Wedderburn, 392–395.
  From Adjt.-Gen. Maitland to Maj. Loftus, 395, 396.
  From Lord Halifax to Dr. Lorimer, 399.
  From W. Ellis to Gov. Johnstone, 399, 400.
  From Gov. Johnstone to Lieut.-Col. Walsh, 401–403, 404, 408, 409, 410, 441, 442.
  From Lieut.-Col. Walsh to Gov. Johnstone, 405, 409, 410, 412.
  From Robt. Adair to Gov. Johnstone, 411.
  From Lieut. Maclellan to Lieut.-Col. Walsh, 415, 416.
  From Gov. Johnstone to Board of Trade, 417–419, 443, 455–457, 460–464.
  From Gov. Johnstone to Lieut.-Col. Maxwell, 419, 420, 432, 433, 434, 435, 438–441.
  From Officer of Guard to Gov. Johnstone, 421.
  From Lieut.-Col. Maxwell to Gov. Johnstone, 422, 432, 435, 436, 437, 438, 442.
  From Chief Justice Clifton to Gov. Johnstone, 479.
  From John Stephenson to Gov. Johnstone, 480, 481.
  From Gov. Johnstone to Provost Marshal General, 485.
  From E. R. Wegg to John Pownal, 505, 506.
  From E. R. Wegg to Chief Justice Clifton, 507.
  From Chief Justice Clifton to E. R. Wegg, 507.
  From William Struthers to Gov. Johnstone, 516, 520–522.
  From E. R. Wegg to Earl of Shelbourne, 532.
Levrier, Rev. Peter, case of, 533–535.
Lietch, William, 321; at Council, 331, 332.
Lillape, 95.
Lillapouche, 95.
Lima, 311.
Lind, Capt. John, 9, 10, 32, 73; delegated to handle affairs at Mobile, following treaty, 33, 34, 35, 54, 55, 56, 57, 58; misrepresents Gov. Johnstone, 291.
Lindsay, Sir John, 169, 282, 346, 456; connection of with fort at Point Iberville, 262, 263; letter to from Gov. Johnstone, 263, 264; letter from to Gov. Johnstone, 265, 266.
Lindsey, Lieut. Robert, 32.
Liquor, for Indians, restraint of, 348, 349, 481.
Lisbon, XII.
Lisbon Station, V.
Little Bob, 304.
Little Tallasey, alias Neahlatko, 517, 520, 526; reply of to Gov. Johnstone, 530.
Locker, Capt., 265, 282.
Loftus, Major, 10, 112, 266; expedition of, 233 and note, 267, 271; connection of with fort at Point Iberville, 261, 262; letter to from Adjt.-Gen. Maitland, 395.
Long Canes, 511.
Lords of Admiralty, 172,
Lords Commissioners of Treasury, 160, 172, 270; concerning fort at Point Iberville, 260, 278.
Lords of Trade, memorial to, 150, 303–306; letters of to Lord Halifax, 155, 156, 167, 156–157, 158, 171, 172, 269, 270, 278, 302, 306, 307, 337, 344; informed of suspension of Chief Justice Clifton, 319, 320, 332, 341; letter of to King, 342, 343; letters to from Gov. Johnstone, 417–419, 443, 455–457, 460–464; appoint Rev. Peter Levrier pastor, 533.
Lorimer, Dr. John, 362; appointed Surgeon, 399, 403.
Louisiana, 6; extent of, 12 note, 61, 82; revenue and appointments of, 30, 140; produce of, 31, 140; adjustment of affairs of following treaty, 33; badly provided with arms, 56, 57; terms of Cession of, 61, 62, 63.
Loukseata, 26.
Lowndes, Charles, 270.
Lowther, Sir James, XII.
Lucas, Capt., 169.
Lundin, Lieut., 154.
Lyons, Mathew, 306.

M

Macfaddin, Sergeant William, 327, 424, 434, 474, 492; ordered arrested, 452, 453; testimony of concerning Col. Walsh, 490, 491; attempts to enter Hannay's house, 492, 493; habeas corpus and return for, 493, 494, 495.
Macgillivray, John, runaway negroes of, 316, 317, 318; property of stolen, 484.
Mackay, Lieut. Hugh, 12.
Mackinen, Capt. Ro., letter of to Sec. at War, 123, 154, 156, 157; letters to from Gov. Johnstone, 158–161, 162, 164, 165; letters from to Gov. Johnstone, 162, 162–164, 165, 166, 407.
Maclellan, Lieut. Alexander, 165, 255, 298, 299, 332, 335, 364, 386, 428, 459, letter of to Gov. Johnstone, 268, 269; explains forcible entry of Military, 359, 360, 361; complaint of to Council, 377, 380, 381, 382, 383; land fees of, 379; letter of to Lieut.-Col. Walsh, 415, 416; arrest of, 415, 416.
Macnamara, Mr., 317.
Macqueen, Mr., 520, 521.
Macpherson, Hon. James, 190, 216, 259, 456, 465; Secretary of Province, 256, 257; nominated Vendue-Master, 296; concerning arrest of Soldier, 322, 468.
McGillivray, Lachlan, 527.
Maese, Mr., 456.
Magna Charta, 8 note.
Maitland, Adjt.-Gen. Richard, letter from to Maj. Loftus, 395, 396.
Manifesto of Maj. Farmar, 60–63.
Manshac, 181, 278, 285, 347, 348, 404.
Manuel, Don, 310; praised by Gov. Johnstone, 311, 312.
Marshall, Wm., 306, 508.
Massacre Island, 17 note.
Massey, Lieut., 350, 351.
Massiac, 200.
Massac, 57 and note.
Matah Pouscouch, 253.
Mattaha Pouscoush, 253.
Matturine, Lieut., 154.
Mauberant, Chevalier de, XIII.
Maurepas Lake, 13, 61, 82, 85, 232, 262, 266, 278, 315.
Maxwell, Lieut.-Col., 297, 298, 299, 300, 301, 346, 451, 515, 531; ordered to Pensacola, 340, 374, 375, 419, 429, 430, 433, 452, 460; concerning return of to Mobile, 377, 438, 449; asks powers of Governor, 401, 402; letters to from Gov. Johnstone, 419, 420, 423, 432, 433, 434, 435, 438–441; letters from to Gov. Johnstone, 422, 432, 435, 436, 437, 438; ordered to arrest Col. Walsh, 434, 437; opinion of Governor's authority, 439, 445, 449; quarrels with Col. Walsh, 450.
Maxwell, Capt., 297, 321, 346, 515.
Maxwell, Hon. George, 331, opinion of Governor's authority, 364, 369; opinion of Chief Justice Clifton's action in land grant case, 383; in Council, 426.
Mebamus, 526.
Medals and Commissions, of Chickasaws and Choctaws, 245, 251, 517, 523, 528, 530.
Meeting of Gov. Johnstone and officers regarding fort at Point Iberville, minutes of, 261–263.
Memorial, from Spanish Ambassador to Lord Halifax, 145, 152; of Mobile, 147, 514, 520; of Whitehall, 149; of Gov. Johnstone to Board of Trade, 150, 510; of officers, against Gov. Johnstone, to Lord Halifax, 176, 177, 291, 292, 418, 458, 459, 462; of Lieut.-Gov. Browne, 303; to John Pownal against Gov. Johnstone, 303, 306; to Gov. Johnstone by Grand Jury, 305.
Merchants, British, purchase lands in Fla., 146.
Mico Atke, 214.
Military. See Troops and Officers.
Military authority vs. civil. See Civil authority vs. military.
Miller, Messrs., 456.
Mingo Emita, 26, 253.
Mingo, Huma, 216, 253; speech of in Choctaw Congress, 245.
Mingo, Ouma, 27, 253, 254.
Mingo Pouscouch, 253.

Mingo, Tchata Olata, 26, 184.
Minorca, 514.
Minutes, of Council, 331, 332–335, 343, 348–384; of Court, 482, 484; of Gov. Johnstone and officers, concerning fort at Point Iberville, 261–263.
Misdale, John, 306, 383, 508, 509.
Mississippi, 12 note.
Mississippi River, 13 and note; boundary between French and English, 82, 85, 86.
Mithridates, 8 note.
Mobile, 6, 7, 10, 55, 81, 128, 129; conditions at, 19, 20, 28, 31, 33, 34, 35, 39, 57, 58, 169; effects of French at, 42–54; seat of English Government, 63; list of appointments needed at, 64, 65; contingent account of cash expended at by Maj. Farmar, 65–74; text of Cession of, 76–79; conditions of fort at, 115, 116 117; garrison staff needed at, 118; report of Maj. Farmar on occupation of, 137–139; memorial of, 147, 514, 520; Congress with Choctaws at, 215–255.
Mobile Bay, 251.
Moliere, 345.
Molten, 521, 522, 526.
Moneypenny, Lieut.-Col., 130.
Mongoulachas, 94.
Montbereau, Chevalier Montant de, 189, 190 and note, 192, 197, 202, 210, 217, 225, 231, 243, 248, 249; speech of to Choctaws, 236.
Montesquieu, 8 note, 292, 345.
Moore, Alexander, 306, 508, 509; in plot to depose Gov. Johnstone, 459.
Morgan Patrick, 306, 482, 508.
Morris, Robert, 67.
Mortar King, alias Otis Mico, 161, 184, 185, 187, 189 and note, 190, 191, 200, 206, 208, 210, 289, 517, 522, 524; speech of in Creek Congress, 198–200, 202, 203 204, 205.
Mount Louis Island, 251.
Muntgatatcha, 239.
Murniaek, John, 517.
Murray, Gen., 159, 407, 451.
Murray, Sir Richard, 296.
Mutiny, attempt at alleged, 297, 298, 347, 375, 419, 427, 435, 452, 461.

N

Nafape, 95.
Nameaba, 239.
Name ceremony, 243.
Nashuba Mingo, 216, 253, 254; speech of in Choctaw Congress, 241, 242; in name ceremony, 243.
Natcheres, 56; orders for English possession of, 57.
Natches. See Natchez.
Natchez, 12 note, 117, 271, 280, 358, 514.
Natchez Indians, 96.
Natchize, 9, 12, 138.
Natchoubaonenia, 28.
Nautilus, The, 262, 265, 280, 282, 283.
Nealatko, alias Little Tallasey, 214, 526.
Necessaries, for French Emigrants, 344, 461, 462, 463; list of, 464.
Negro runaways. See Deserters.
Nehajany, 214.
Neil, Arthur, 306, 456, 509.
Newfoundland, 157.
New Orleans, 9; policy of English regarding French in, 14, 310; excluded from Cession of La. to English, 82, 85, 128; reported ceded to Spain, 138, 223; emigration from, 257, 268, 269; dependence of on English, 263, 264; opposition of to English, 266; ceded to Spain, 266, 272; skins handled at, 273; trade at, 279.
New York, 128, 131.
Nisbett, Lieut. Alexander, 415.

Noble, James, 143, 144, 306, 329, 336, 337, 324, 418, 456, 458, 465, 471, 477, 478, 479, 494, 501, 504, 508, 509; refused land grant by Gov. Johnstone, 304, 466; in plot to depose Gov. Johnstone, 459.
North Briton, VI.
North Sea, V.
Nova Scotia, 514.

O

Oakchoy Town, 516, 520.
Oakfushee King, 516, 523, 530; address of to Gov. Johnstone, 526.
Oath of Allegiance, 119 and note; list of French taking, 121, 122.
Obaly Adjo, 214.
Obuyichlatka, 214.
Occhanya, 94.
Oeyakbe, 96.
Officer of Guard, letter of to Gov. Johnstone, 421.
Officers, appointed at Pensacola, 16; proposed at Mobile, 91, 92, 140; quarrel of with Gov. Johnstone, 154 and note, 157; 179, 180, 181, 291, 292, 295, 297, 298, 301, 304, 338, 342, 343, 345, 346, 509, 510.
Ogetchie, 516.
Ogilvie, Maj., letter to from Gen. Keppel, 127, 128, 132, 407.
Okchanyas, 95.
Okehanestamaha, 27.
Okeloussaes, 27.
Okeoullou, 27.
Okonis, 96.
Oksaktalaya, 27.
Oktakchitotamaha, 28.
Olacta Houma, 253.
Olacto Opaye, 253.
Old Tomé, 239.
Oleron, 318.
Oliktachaes, 26.
Omolquet, 96.
Oppayre Aljo, 214.
Ordnance and stores, issued from Fort Charlotte, 100–103; received at Fort Charlotte, 104–106; needed at Fort Charlotte, 107–110; at Pensacola, 160.
Ormsby, Capt., 154.
Orwell, 156.
Oskelagana, 28.
Ossapaissa, 26.
Ossapatchito, 27.
Otaways, Gen., 154.
Othlewallie Town, 517.
Otio Mixo, 519.
Otiz Mico, alias Mortar, addressed by Gov. Johnstone, 525; reply of to Gov. Johnstone, 529, 530, 531.
Otway, 127.
Ouakokayes, 95.
Ouchoutchis, 96.
Oulacta Houma, 253.
Oulactopaye, 254.
Oulessa Mingo, 253.
Ouyoukas, 95.
Ouyoutches, 95.
Ouyoutchis, 96.

P

Packana, 94.
Page, Mr., 337.
Page, Joseph, 508.
Pahe-ouma, 28.
Painter and Thackery. See Thackery and Painter.
Painter, Richard, 325, 332, 334, 472, 483.
Pakanatalaachis, 95.
Palliser, Sir Hugh, XVI.
Pall Mall, 291.
Palmer, Charlton, 534.
Palmerston, 343.
Pandora Box, VIII.
Panthés, 27.
Papers, list of, in quarrels between Gov. Johnstone and officers, 343.
Pascagoula, 238, 251.
Path, open to Pensacola, 523, 528, 529.
Patty, The, 264, 265.
Paye Mattaha, 216, 225, 231, 235, 247, 253, 254; speech of in Choctaw Congress, 224, 245–247.
Paye Oulaghta, 214.
Peace, formed between English and Chickasaws and Choctaws, 249, 250; with Indians near the Iberville River, 267; with Indians desired, 275.
Pemberton, Mr., 359.
Pensacola, military situation at, 9, 10, 11, 12, 13, 14, 16, 127, 128, 141, 142, 143, 157, 160, 170, 171; need of artificers in, 14; property conditions in, 15, 16; officers appointed in, 16; report on by Maj. William Forbes, 112–114; garrison staff needed at, 118; condition of troops at, 123, 152, 160; condition of works at, 123, 124; cession of, 130; report on occupation of, 136 and note, 137; value of Spanish houses at, 145; Indians at, 152; trade at, 169; evil conditions at, 170, 171; Congress at, 188–210, 511; advantageous situation of, 257; expense of, 257, 258; need of hospital at, 257; open path to, 523, 528, 529.
Personal restriant, Governor's power of, 324.
Petilchcouanons, 96.
Petition, in regard to taking up lands, 378.
Petlako, 95.
Petustatetchis, 95.
Pezer, Thos., 68.
Phillips, Mr., 466, 477.
Pictet de Geneve, M., 183.
Pictet, Gaspard, 151, 255.
Pilot, Lieut., 419, 490, 491; message of to Gov. Johnstone, 420, 421, 451.
Pitman, Engineer, 264.
Plot, to depose Gov. Johnstone, 341, 455, 456, 458, 459, 460.
Point Coupee, opposition of to English troops, 267, 269.
Point Iberville, 255; concerning fort for, 260, 261, 262, 263, 264, 265, 267, 270, 271, 272, 273, 278, 279, 280, 281, 282, 296,
Point Mobile, 64.
Police, of Province, 256.
Pontchartrain Lake, 13, 61, 82, 85, 232, 263, 266; French inhabitants on, 268.
Pontiac, 8 note, 184, 194 note.
Port Louis, IX.
Poucha Houma, 254.
Pouchama, speech of in Choctaw Congress, 248, 249.
Pouscouch Jacale, 28.
Poushetha Houma, 253.
Poushu Houma, 253.
Poutchimataha, 87.
Powell, Maj., 297, 298, 299, 358, 360.
Power, Richard, 32, 73.
Powers, of Governor. See Authority of Governor vs. military.

Pownal, Sec. John, letter to from Edward Sedgwick, 147; letters to from Gov. Johnstone, 156–158, 167–170, 171, 271–273, 278–280, 306, 307, 337, 338, 343, 344, 442–444, 444–451, 531, 532; concerning fort at Point Iberville, 260; letter from to Gov. Johnstone, 269, 270, 291, 319–322; concerning letter to from Edmund Rush Wegg, 344, 461, 510.
Presents, of French to Indians, 28, 29, 35, 39, 157, 187; of English to Indians, 175, 187, 227, 229, 241, 242, 246, 279, 511, 512, 523.
Prevost, Lieut.-Col., 66, 127; letter to from Gen. Keppel, 130, 131; letter from to Sec. at War, 136, 137.
Prince Edward, The, 169, 499, 500, 501, 503, 504.
Pringle, Capt., 130.
Privy Council, 328, 329.
Proctor, John, 520, 526.
Produce of West Florida, 31.
Public Whipping, 324.
Pukkantallahassie, 517.
Pusadie, 526.
Pusha Huma, 216.
Pyrrhus, King, 450.

Q

Quarrels, between Gov. Johnstone and officers, 154 and note, 177, 179, 180, 181 291, 292, 295, 297, 298, 301, 304, 338, 342, 343, 345, 346, 509, 510; between Gov. Johnstone and Capt. Mackinen, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165; between Gov. Johnstone and Maj. Farmar, 292 and note; between Gov. Johnstone and Lieut.-Col. Walsh, 297, 298, 299, 300, 304, 305, 339, 340, 341, 343, 358, 359, 360, 361, 366, 367, 369, 370, 372, 373, 375, 419, 427, 431, 435, 442–444, 445, 446, 459; between Gov. Johnstone and Chief Justice Clifton, 301, 320, 321, 322, 332, 337, 338, 339, 445, 465, 466, 467, 468; specifications of, for and against Gov. Johnstone, 338–341; between Gov. Johnstone and Capt. Simpson, 352; between Gov. Johnstone and Lieut, Bamford, 354; between Gov. Johnstone and Lieut. Downman, 354; between Gov. Johnstone and Lieut. Gov. Browne, 462, 433.
Quartering troops, 352, 408, 409, 423, 429, 433.
Quebec, 451.

R

Rabelais, 406.
Ramsey, Lieut., 515.
Randall, Surveyor Gen. William, 319; at Council, 331.
Rates of goods with Creeks, 215.
Red Captain, The, 246; speech of in Choctaw Congress, 247.
Red Shoes, 39.
Reed, Col., 346, 402.
Reed, Peter, 32, 73.
Register of Province, attempted seizure of, 434, 448, 461.
Remonstrance against Gov. Johnstone. See Memorial.
Report, of Maj. Will Forbes on Pensacola, 112–114; of Maj. Farmar on occupation of Mobile, 137–139.
Return, of 22d Regiment, 110; of 35th Regiment, 154, 155.
Revenue, 30, 144.
Rice, Geo., 149, 156.
Ricla, Count de, 130, 136.
Riesch, Don Antonio Felix, 307, 309.
Roberts, John, 343.
Robertson, Lieut., 515.
Robertson, Lieut.-Col., 8, 11, 12, 14, 116, 117, 119, 146, 147, 185.
Robertson, Ensign Archibald, 114; letter of to Capt. Mackinen, 123, 124; on expense of fort at Point Iberville, 261, 278; letter to from Gov. Johnstone, 280–283.

Robinson, Col., 266.
Robinson, Engineer. See Robertson, Ensign Archibald.
Rogers, Capt., 346.
Rose Bay, 513.
Ross, Capt., 491.
Ross, David, 306, 482.
Ross, James, 306, 482, 483, 508.
Ross, Robert, 482.
Rum, evil effects of on Choctaws, 219, 220, 235, wanted by Indians, 248.
Runaway negroes. See Deserters.

S

Saint Rose, 136.
Sandwich, Lord, XVI.
Sanimingo, 26.
Satterthwaite, William, 306, 380, 508, 509.
Savannah River, 520.
Secretary at War, VIII; list of papers to from Maj. Farmar, 6, 7; letter to from Maj. Farmar, 7–17.
Sedgwick, Edward, letter of to C. D'Oily, 5; letter from to Sec. Pownal, 147.
Seneca Indians, 147.
Seneachaes, 28.
Serman, Lewis, 209, 453.
Settlements, in Indian lands, 222.
Shelburne, Lord, 510, 533; letter to from E. R. Wegg, 532, 533.
Sherwood, Capt., 154.
Ship Island, 13.
Shulustamastabe, 239, 254.
Simpson, Capt. Andrew, in dispute with Gov. Johnstone, 343, 349, 355, 356, 357, 386, 394, 395, 402, 440, 456; letters to from Gov. Johnstone, 351; letter from to Gov. Johnstone, 351; arrested, 352, 353; letter to from Gen. Gage, 387–392, 362, 365, 369, 370, 384, 385, 386, 396, 398, 439.
Six Nations, 39.
Slaves. See Deserters.
Small, Capt., 515.
Smart, John, affidavit of concerning Indian, 497–499.
Smith, 334, 335.
Smith, Lieut., 111.
Smith, Jonathan, 482, 483.
Solomons, A., 306.
South Carolina, 141.
Spanish, ambassador, memorial of to Lord Halifax, 145, 152; trade, 168, 169, 170, 181; ships in West Fla., 172; acquisition of New Orleans, 266, 272; trade at New Orleans, 279; friendship offered, 309; purchases, 466.
Speedwell, The, 358, 480.
St. Augustine, 127, 128, 130, 131, 174, 200; taken possession of by English, 132; Congress at, 203, 209; expense of, 257.
St. Christophers, 152.
St. James's, 259.
St. John River, 174.
St. Omer, 370.
St. Rose's Bay, 203, 207.
St. Roses Island, 480.
Stag, The, 10, 21, 53, 59, 65, 106, 139, 143.
Stamp Act, VIII, 340; troubles due to at New York, 361; affects Gov. Johnstone, 417, 445.
Star Chamber, 329, 476.
Stephenson, John, 323, 470; letter of to Gov. Johnstone, 480, 481.
Steward, Capt., 515.
Stewart, Lieut., 515.

Stewart, Charles, 281.
Stokes, John, 482.
Storekeeper, at Pensacola, 160.
Struthers, Hon. William, 216; letters from to Gov. Johnstone, 516, 517, 520–522.
Stuart, Capt., 185, 346, 517.
Stuart, Mr., letter to from Gov. John Grant, 174–176.
Stuart, John, letter to from Gov. Johnstone, 184–188; holds Congress with Creeks, 188–210, 190 and note, 191, 192, 201, 204, 206, 210, 259; speech of to Creeks, 194–197, 200, 207–209; treaty of with Creeks, 211–215, 214; holds Congress with Choctaws; 215–255, 216, 218, 242 248, 249; speech of to Chickasaws and Choctaws, 226–236; treaty of with Chickasaws and Choctaws, 249–253, 259; sends presents to Indians, 282.
Suchee Nathla, 524.
Sukitchpogo, 526.
Sumpter County, 6 note.
Supbubbie Coose Mathla Hoboye Hajou, 522.
Surman, Lewis, 209.
Sutherland, Capt., 515.
Sutton, Capt., Evelyn, XVI.
Suyuchka, 214.
Swiss, at New Orleans, 151 and note.
Symson, Capt., 154.

T

Tabuka, speech of in Choctaw Congress, 239; in Name Ceremony, 243.
Tala, 28.
Talapushs, 83.
Talk, of Gov. Johnstone to Creeks, 523, 526.
Tallapoosa, 12 note.
Tallasey, 526.
Tallatekpe River, 251.
Tallechea, 174.
Tallipusses, 194, 197.
Talpa Etoka, 28.
Tampa Bay, 146.
Tapulga, 190, 214.
Tartar, The, 513.
Tartar Penzacola, 265.
Taskahumastabe, 253.
Tassa, 213.
Tassel, 451.
Tassel, Capt., 407.
Tastanakobuy, 214.
Tastekes, 94.
Tax, at Pensacola, 144, 302; exemption of recommended, 285.
Taylor, Col., 514, 532; talk of to Upper Creeks, 518, 519.
Tchacta Nation. See Choctaws.
Tchaktaw Nation. See Choctaws.
Tchiahas, 96.
Tchikachahe, 28.
Tchikachas, 96.
Tchitchoufke, 95.
Tchoulas, 96.
Tchoulouchpouque, 95.
Telachy, 519.
Telechis, 95.
Telfare, Mr., 69, 71.
Telouales, 95.
Tensaw Bluff, 7 note.
Tenth Commandment, 345.

Teouachis, 95.
Terry, Jeremiah, in Council at Pensacola, 332.
Thackery and Painter, 321, 325, 333, 334, 335, 470, 482, 483; indictment against, 483, 484.
Thackery, Paul, 325, 332, 470, 483.
Thacktaw Nation. See Choctaws.
Thanke, 27.
Thelibatcha, 28.
Thising, Lieut., 515.
Thomapas, 94.
Thomas, Mr., 281.
Thompson, Edward, 68.
Thompson, James, in Council, 332, 334; testifies concerning Stamp Act consequences at New York, 361.
Thompson, John, 306, 508.
Thompson, Nathaniel, 482, 508.
Thompson, Sec. Primrose, 300, 313, 315, 337, 375, 376, 396, 398, 399, 400, 403, 404, 405, 408, 409, 410, 411, 413, 455, 459, 484, 490, 491, 492; affidavit of concerning actions of Lieut.-Col. Walsh, 424, 428, 431, 442, 454.
Tinison, Barnet, 482.
Titles to lands at Mobile, 148.
Toboka, Capt., 27.
Tobouca of Yassoue, 253.
Tomatle Mingo, 216, 253, 254; speech of in Choctaw Congress, 236–239.
Tombekbe, 26, 32; orders for English possession of, 57, 66; text of cession of 97, 100; also see Tombekbe Fort.
Tombekbe Fort, 6 and note, 7, 238; military conditions at, 12, 37, 38, 39, 138; fortifications of, 22, 23; need of provisions at, 23, 24; delivered to English, 97–100; description of Fort, 98; barracks of, 98, 99; shed of, 99; powder magazine of 99; cannon and ammunition at, 103, 104.
Tombigbee River, 6 note, 251.
Toniacs, The, 267.
Topalga, 210.
Tossycay, 214.
Tossycay Mico, 214.
Tostanake Mico, 214.
Totepatches, 95.
Toupa Houma, 253, 254.
Toupouye Atche, 214.
Tour, Capt., de la, 12 note.
Toussanna, 27.
Town Majors, 390.
Trade, 144, 147, 150, 153, 167, 168, 169, 201, 257; in connection with fort at Point Iberville, 272, 279; Spanish, 168, 169, 170, 181, 279; Indian, 168, 186, 204, 205, 206, 211, 212, 221, 262 note, 265, 526, 528, 529, 530; at New Orleans, 279; free trade recommended, 285; with Creeks, 517.
Traders, 192, 196, 205, 209, 213, 228, 229, 230, 232, 252; complaints against, 219, 220, 238, 241, 312, 313, 531.
Treason, alleged of Lieut-Col. Walsh, 375, 427, 435, 447.
Treaty, between English and Spanish, 9 (see Definitive Treaty), between English and French, 33, 34, 35, 36, 55, 61, 62, 63, 77, 233; with Indians, 175; with Creeks, 211–215, 259, 518; with Chickasaws and Choctaws, 249–255, 259.
Trevelyan, XII.
Trials, difficulty of in Province, 294.
Troops, at Pensacola, 9, 10, 11, 112, 113, 114, 118, 123, 141, 143, 152, 514; in Colony 118, 150, 168, 169, 170, 172, 342, 514; at Mobile, 119, 169, 295; going up Mississippi River to Illinois, 124, 125, 138, 233, 234, 262; to take possession of Fla., 127, 128, 130; to take possession of La. Cession, 128, 129; to take possession of Pensacola, 136; to take possession of Mobile, 137, 138, 139; need of, 150, 168, 169, 170, 172; rotation of, 176; weakness of, 185; orders for return of to England, 399, 400, 411; quartering of, 352, 408, 409; influenced against Gov. Johnstone, 467; to act against Creeks, 512, 514.

Tuckabatche Indians, robbery of, 323, 469, 496, 497, 498, 499, 513.
Tuscay Oulaghta, 214.
Tustunnock, 526.
Twenty-second Regiment, enumeration of, 110.

U

Ubacktubae, 238.
Ungulasha Mattaha, 243.
Ulaghta Mattaha, 243.
Ulloa, Gov. Antonio de, 307 and note, 311; letter of to Gov. Johnstone, 308–310; letter to from Gov. Johnstone, 311–313, 316; arrival of, 457.

V

Vagabonds, 168.
Varlo, Capt. Thomas, petition of for gardens, 357, 358.
Vendue-Master, 296.
Vera Crux, 136.
Versailles, treaty of, 77.
Villemond, M. de, 151.
Vincennes, 57 and note.

W

Walker, William, 482.
Walsh, Lieut.-Col. Ralph, 297, 346, 347, 362, 365, 440, 449, 451, 452, 456, 474, 508; court martial of, 298, 299, 320, 326, 348, 413, 414, 415; quarrel of with Gov. Johnstone, 298, 299, 300, 304, 305, 339, 340, 341, 343, 358, 359, 360, 361, 366, 367, 369, 370, 372, 373, 375, 419, 427, 431, 435, 442–444, 445, 446, 459; letter to from Council, 360; letter from to Council, 364; letters to from Gov. Johnstone, concerning authority, 401–403, 404, 442–444; letters from to Gov. Johnstone, 405, 409, 410, 442; letter to from Lieut. Maclellan, 415, 416; message from to Gov. Johnstone, 420, 421; affidavit against, 424, 485; warrant for arrest of, 327, 425, 427, 430, 445, 446, 460, 475, 485, 486; examined, 429, 430, 440, 485; discharge of, 430, 431, 472, 473, 474, 485; deposition against, 452–455, 486, 487; conduct of with regard to Gov. Ulloa, 457, 458; habeas corpus for, 486, 487, 488; orders taking of Hannay's house, 492.
Ward, Benj., 508, 509.
Ward, Daniel, 306.
Wardlaw, Ralph, 508, 509.
Ware, Benj., 306.
Watkins, Jno., 508.
Watson, Ensign, 515.
Watson, Thomas, 509.
Watts, John, 306, 418, 456, 508, 509; in plot to depose Gov. Johnstone, 459.
Wau Thlockie Mathlie, 516.
Wawaugh Ryota, 214.
Wedderburne, Lieut.-Col., 189, 190, 201, 210, 243, 248, 249, 291, 346, 362, 384, 385, 386, 389, 396, 429, 456; services of, 289, 290; ship of, 304; rebuked by Gen. Gage, 339, 436, 440; questioned as to Governor's authority, 355, 356, 357; letter to from Gen. Gage, 392–395, 439.
Wegg, Edmund Rush, Atty.-Gen., suspension of, 293, 294, 295, 301, 305, 341, 344, 348, 506, 507, 532; opinion of as to military authority, 411, 412, 417; in plot to depose Gov. Johnstone, 459; in case of John Davenant, 480; in case of Indian, 496; letter from to John Pownal, 505, 506; letter from to Chief Justice Clifton, 507; address to from inhabitants of Pensacola and reply of, 507, 508; address to from Grand Jury and reply of, 508, 509; letter from to Earl of Shelbourne, 532.
Weir, John, 508.
Weokays, 526.
Weokay Town, 516.

West Florida, V, VI; loose administration of, VIII, 294, 305; disadvantages of, X; cession of, 9, 10; military situation in, 9, 10, 11, 12, 13, 14, 16, 514; need of artificers in, 14; property conditions in, 15, 16; officers appointed in, 16; trade conditions in, 168; Indians in, 150, 184, 511, 512, 513, 514, 515; administration of, 256, 257; high cost of living in, 258; emigration to, 260; free trade in recommended, 285; bad state of due to Gov. Johnstone's quarrels with officers, 342.
Westerhall, V.
Wetumpka, 18 note.
Whim, The, 442.
White, Lieutenant, The, 210.
Whitehall, 149, 155, 343.
Whitmore, 127.
Whitty, Chaplain, 154.
Wilkinson, Rev. Thos., 191, 483, 434.
William, Duke of Cumberland, 466.
Williams, David, 482.
Williams, John, 22, 68.
Williams, William, 306.
Woolf King, 12, 68, 72, 114, 142, 202, 365, 414, 424, 460, 521.
Wright, Gov., 520.

Y

Yahatotastonake, 189 note, 197, 214.
Yahouly Mico, 214.
Yammassee Indians, 213.
Yanatla, 214.
Yaroux de l'est, 26.
Yaroux de l'ouest, 27.
Yassou Mattaha, 253.
Yazoo, 12 note.
Yazoo Indians, 38 and note, 39.
Yellow fever, in the Floridas, XIV.
York, Edward, Duke of, 466, 478.
Youfalas, 95, 96.
Young Lieutenant, The, 190, 214.

Z

Zobel, Major, 111, 112.

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